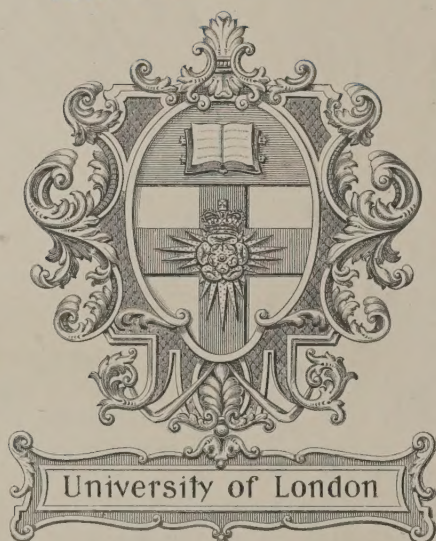
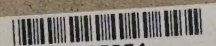


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605654

B I L L S,

PUBLIC:

FIVE VOLUMES.

—(2.)—

EDUCATION OF PAUPER CHILDREN

TO

LUNATICS LAW AMENDMENT.

Session

6 February — 7 August 1862.

V O L. II.

1862.

B I L L S :

1862.

FIVE VOLUMES:—CONTENTS OF THE SECOND VOLUME.

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10 April 1862. 25 VICT.



A

B I L L

TO

Provide for the Education and Maintenance of
Pauper Children in certain Schools and Institu-
tions.

WHEREAS it is expedient that Facilities should be given Preamble.
to Guardians of the Poor to provide Education for poor
Children in certain Cases where they are not empowered
to do so by the Laws now in force: Be it therefore enacted by the
5 Queen's most Excellent Majesty, by and with the Advice and Con-
sent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same:

1. That the Guardians of any Parish or Union may send any such Guardians
may send
Children to
Schools and
Institutions.
Child as is herein-after described to any School or Institution sup-
10 ported wholly or partially by voluntary Subscriptions, and may pay
the Expenses incurred in the Maintenance and Education of such
Child therein, and in the Conveyance of such Child to and from the
same, and in the Case of Death, the Expenses of his or her Burial, out
of the Funds in their Possession.

15 2. No Child shall be sent to any School or Institution without
the Approval of the Poor Law Board, and if the said Board order any
Child which shall have been so sent as aforesaid to be removed, the
[Bill 87.] Child not to
be sent with-
out Consent
of Poor Law
Guardians

Board, and
to be re-
moved on
their Order.

Guardians shall forthwith cause such Child to be removed from the School or Institution, and every Engagement previously entered into for the Payment of the Charges of such Child shall immediately cease, and become void for the future.

School or
Institution
to be open to
Inspection.

3. Every School or Institution wherein any such Child shall be received shall be open to the Visitation and Inspection of the Inspector appointed by the Poor Law Board, and acting for the District comprising the said School or Institution, and he shall be empowered to make any Examination into the State and Management of the same which he shall deem requisite, and shall make his Report thereon to the said Board.

Guardians
to bring
back Child.

4. The Guardians shall at the Expiration of the Time for which the Child shall have been sent to the said School or Institution, or at any Time upon the Requisition of the Managers or other governing Body or the Superintendent thereof, cause such Child to be removed therefrom and brought back to their Parish or Union, and in default of their doing so they shall be liable to pay the Charges incurred in the bringing back of such Child.

Description
of Child to
be sent.

5. No Child shall be sent to such School or Institution unless he or she be an Orphan, or deserted by his or her Parents or surviving Parent, or be One whose Parents or surviving Parent shall consent to the sending to the School or Institution, and any Child so sent may be retained therein until the Age of *Sixteen*, and no longer, except in the Case of any blind, deaf and dumb, lame, or deformed Person, who may be retained in any School or Institution for the Reception and Instruction of such Classes of poor Persons until the Age of *Twenty-one*.

Continu-
ance in
School not to
be compul-
sory.

6. Nothing herein contained shall enable the Guardians to keep any Child in any School or Institution against the Will of such Child, if above the Age of *Fourteen*, or of the Parents of such Child whatever be the Age of the Child.

Charge of
Expenses
how to be
borne.

7. The Expenses incurred by the Guardians in respect of any Orphan or deserted Child under this Act shall be charged to the same Fund and in the same Manner as the Relief otherwise supplied to such Child would be charged.

Child not to
be sent to
School of
another
Denomina-
tion.

8. No Child shall be sent under this Act to any School which is conducted on the Principles of a Religious Denomination to which such Child does not belong.

Interpreta-
tion.

9. The several Words used in this Act shall be construed as in the Act of the Fourth and Fifth Years of William the Fourth, Chapter Seventy-six.

19 May 1862. 25 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide for the Education and Maintenance of
Pauper Children in certain Schools and Institu-
tions.

WHEREAS it is expedient that Facilities should be given Preamble.
to Guardians of the Poor to provide Education and Main-
tenance for poor Children in certain Cases where they
are not empowered to do so by the Laws now in force: Be it
5 therefore enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same:

1. That the Guardians of any Parish or Union may send any such Guardians
10 Child as is herein-after described to any School certified as herein- may send
after mentioned, and supported wholly or partially by voluntary Children to
Subscriptions, and may pay the Expenses incurred in the Main- Schools.
tenance, Clothing, and Education of such Child therein, and in the
Conveyance of such Child to and from the same, and, in the Case
15 of Death, the Expenses of his or her Burial, out of the Funds in their
Possession.

2. The Poor Law Board may, if they think fit, upon the Appli- CLAUSE A.
cation in Writing of the Managers of any such School as aforesaid, Poor Law
[Bill 123.] Board to
appoint certify the
School.

appoint such Person as they shall deem proper to examine into the Condition of the School, and to report to the said Board thereon, and if satisfied with such Report that Board may, by Writing under the Hand of One of their Secretaries, certify that such School is fitted for the Reception of such Children or Persons as may be sent there 5 by the Guardians, in pursuance of this Act; and it shall be lawful for the said Board, if at any Time they shall be dissatisfied with the Condition or Management of such School, by Notice addressed to the Managers, and signed as aforesaid, to declare that the Certificate is withdrawn from and after a Day to be specified therein, not less 10 than Two Months after the Date thereof.

Poor Law Board may order Children to be removed from School.

3. If the Poor Law Board shall be of opinion that any Person is aggrieved by any Child being so sent or kept at such School as aforesaid, the Board may order any such Child to be removed, and the Guardians shall forthwith cause such Child to be removed from 15 the School, and every Engagement previously entered into for the Payment of the Charges of such Child shall thereupon cease, and become void for the future.

School to be open to Inspection.

4. Every School wherein any such Child shall be received shall be open to the Visitation and Inspection of any Inspector appointed 20 by the Poor Law Board, and he shall be empowered to make any Examination into the State and Management of the same which he shall deem requisite, and the Condition and Treatment of the said Children therein, and shall make his Report thereon to the said Board; and the Guardians by whom any Child may have been sent 25 to any such School as aforesaid may from Time to Time appoint any one of their Body to visit and inspect such School, and such School shall at all reasonable Times be open to such Visitation or Inspection.

Guardians to bring back Child.

5. The Guardians shall at the Expiration of the Time for which 30 the Child shall have been sent to the said School, upon the Requisition of the Managers or other governing Body, or the Superintendent thereof, or upon the Withdrawal of the Certificate, as herein provided, cause such Child to be removed therefrom, and brought back to their Parish or Union, and in default of their doing so they shall be 35 liable to pay the Charges incurred in the bringing back of such Child.

Description of Child to be sent.

6. No Child shall be sent to such School unless he or she be an Orphan, or deserted by his or her Parents or surviving Parent, or be One whose Parents or surviving Parent shall consent to the sending to the said School, and no Child so sent may be retained therein 40 beyond the Age of Sixteen.

7. Nothing

7. Nothing herein contained shall enable the Guardians to keep any Child in any School against the Will of such Child, if above the Age of Fourteen, or of the Parents or surviving Parent of such Child, whatever be the Age of the Child.

Continu-
ance in
School not to
be compul-
sory.

5 8. The Expenses incurred by the Guardians in respect of any Child under this Act shall be charged to the same Fund and in the same Manner as the Relief otherwise supplied to such Child would be charged.

Charge of
Expenses
how to be
borne.

9. No Child shall be sent under this Act to any School which is conducted on the Principles of a Religious Denomination to which such Child does not belong.

Child not to
be sent to
School of
another
Denomina-
tion.

10. The several Words used in this Act shall be construed as in the Act of the Fourth and Fifth Years of William the Fourth, Chapter Seventy-six; and the Word "School" shall extend to any Institution established for the Instruction of blind, deaf, dumb, lame, deformed, or idiotic Persons.

Interpreta-
tion.

Education of Pauper Children.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To provide for the Education and Maintenance of Pauper Children in certain Schools and Institutions.

(*Prepared and brought in by
Sir Stafford Northcote and Mr. Lyall.*)

*Ordered, by The House of Commons, to be Printed,
19 May 1862.*

[Bill 123.]

Under 1 oz.

21 March 1862. 25 VICT.



A

B I L L

TO

Make further Provision for the Education of the
People in Scotland.

WHEREAS an Act was passed in the Forty-third Year of Preamble,
the Reign of His Majesty King George the Third,
Chapter Fifty-four, intituled “ An Act for making better 43 G. 3.
“ Provision for the Parochial Schoolmasters, and for making further c. 54.
5 “ Regulations for the better Government of the Parish Schools in
“ Scotland ;” and another Act was passed in the Twenty-fourth and
Twenty-fifth Year of the Reign of Her present Majesty, Chapter
One hundred and seven, intituled “ An Act to alter and amend the 24 & 25 Vict.
“ Law relating to Parochial and Burgh Schools and to the Test c. 107,
10 “ required to be taken by Schoolmasters in Scotland :” And whereas
it is desirable that the present System of Parochial Schools in Scot-
land should be extended and enlarged, and that additional Schools
should be established in rural Districts and in populous Places : Be it
enacted by the Queen’s most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same :

1. In this Act the following Words shall have the Meanings hereby Interpretation.
assigned to them :

[Bill 56.]

A

“ Committee

"Committee of Council" shall mean the Committee of Her Majesty's Most Honourable Privy Council for Education :

"Commissioners" shall mean the Commissioners appointed by or under this Act for the Time being :

"Sheriff" shall include Sheriff Substitute :

5

"District" shall mean a District fixed by the Sheriff under the Provisions of this Act :

"Ratepayers" shall mean and include the Owners and Occupiers of Lands and Heritages situate within such District of the yearly Rent or Value of Pounds or upwards :

10

The Expression "Lands and Heritages" and the Expression "Valuation Rolls" shall have the same Meanings as are assigned to these Expressions in "The Valuation of Lands (Scotland) Acts," Seventeenth and Eighteenth Victoria, Chapter Ninety-one, and Twenty-first Victoria, Chapter Fifty-eight.

15

Commis-
sioners ap-
pointed.

2. The following Persons, namely, Sir Ralph Anstruther, Baronet, Lord Rector of the University of St. Andrews; the Reverend John Tulloch, Doctor of Divinity, Principal of St. Mary's College in the said University; the Honourable Charles Baillie, one of the Senators of the College of Justice, Assessor for the University Council in the said University; John Hunter, Esquire, Assessor for the Chancellor of the said University; the Right Honourable the Earl of Elgin and Kincardine, Lord Rector of the University of Glasgow; the Reverend Thomas Barclay, Doctor of Divinity, Principal of the said University; James Moncrieff, Esquire, Her Majesty's Advocate, Dean of the Faculties in the said University; Andrew Bannatyne, Esquire, Assessor for the University Council in the said University; Alexander Thomson, Esquire, of Banchory, Chancellor of the said University; Edward Francis Maitland, Esquire, Her Majesty's Solicitor General for Scotland, Rector of the University of Aberdeen; the Reverend Peter Campbell, Doctor of Divinity, Principal of the said University; Alexander Kilgour, Doctor of Medicine, Assessor for the University Council of the said University; the Right Honourable William Ewart Gladstone, Rector of the University of Edinburgh; Sir David Brewster, Principal of the said University; Archibald Campbell Swinton, Esquire, Dean of the Faculty of Law in the said University; David Mure, Esquire, Member of Parliament, one of the Curators of the University Court in the said University; and such additional Persons, not exceeding *Four* in all, as Her Majesty may by Writing under the Hand of One of Her Majesty's Principal Secretaries of State appoint, shall be and are hereby appointed Commissioners for the Purposes of this Act, and shall have a Common Seal, and *Four* of the said Commissioners shall be a Quorum; and the Chairman of the Commissioners, or in his Absence One of the Commissioners

40

missioners elected and acting as Chairman at any Meeting, shall have both a deliberative and a casting Vote; and in the Case of any of such Persons holding the Office of Lord Rector or Rector in any of the said Universities, the Assessor for the Time
 5 being appointed by him may attend and act as a Commissioner in the Absence of such Lord Rector or Rector; and the Powers conferred by this Act on the said Commissioners shall be in force until the *First Day of January One thousand eight hundred and sixty-four*; and it shall be lawful for Her Majesty, by and with the Advice of
 10 Her Privy Council, to continue the same until and no longer.

3. It shall be lawful for Her Majesty, by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, to appoint any One of the Commissioners to be Chairman of the Commission;
 15 and if any of the Commissioners above named shall die, or resign his Office of Commissioner, the Vacancy so caused shall be filled by the Person who may succeed such Commissioner in the Office, in any of the said Universities respectively, which was held by such Commissioner, and if any of the Commissioners appointed by Her
 20 Majesty shall die or resign their Office, the Vacancy so caused shall be filled up by Her Majesty.

Appoint-
ment of a
Chairman
and filling
up of Va-
cancies.

4. It shall be lawful for Her Majesty, by Writing under the Hand of One of Her Principal Secretaries of State, to appoint any Person to be Secretary to the Commissioners, who shall receive a Salary not ex-
 25 ceeding *Pounds* to be paid by the Commissioners of Her Majesty's Treasury out of any Monies to be voted by Parlia-
 ment for that Purpose.

Appoint-
ment of a
Secretary.

5. It shall be lawful for the Commissioners in the Discharge of their Duties under this Act to sub-commit such of the said Duties
 30 as they may think proper to any of their Number, not being less than *Four*, and to confer upon such Committee such of the Powers conferred on the Commissioners by this Act as they may think proper: Pro-
 vided that the Proceedings of such Sub-Committee shall be subject to the Approval of the Commissioners.

Sub-Com-
mittees may
be appointed
by Commis-
sioners.

35 6. All Travelling and Office Expenses, and Expenses of occasional Clerks or Messengers, incurred in the Discharge of the Duties imposed by this Act, and sanctioned by the Commissioners, shall be defrayed by the Commissioners of Her Majesty's Treasury at such
 Rates as they shall think fit, out of any Monies to be voted by Par-
 40 liament for that Purpose.

Occasional
Expenses to
be defrayed
by the Trea-
sury.

Commis-
sioners to fix
the Number
of Schools to
be esta-
blished in
each Parish.

7. It shall be the Duty of the Commissioners to ascertain and fix, as regards each Parish in Scotland, what Number of Schools is necessary in order to provide adequate Means of Instruction within such Parish, and to decide with regard to each such Parish whether any School, in addition to the existing Parochial School, ought to be established therein, under this Act; and the Commissioners, in fixing the Number of Schools to be so established, shall take into consideration the Proportion of Population to the Area of such Parish, and shall provide, as nearly as may be, that there shall be One School at least for every Area of Ten Square Miles which shall contain a Population of One thousand Inhabitants; and for the Purposes of this Act the Commissioners shall have Power to call for the Attendance of all Persons, and for Delivery of and Access to all Documents as they may think necessary; and may by themselves, or those authorized by them, obtain Access to and examine all Schools and Schoolhouses. 5 10 15

Commis-
sioners to de-
termine
whether
School shall
be Rural or
Urban.

8. In each Case in which the Commissioners shall resolve that it is necessary to establish a School or Schools in any Parish, in addition to the Parochial School, they shall consider and determine whether such additional School shall be a Rural School or a District School; and for the Purposes of this Act a Rural School shall mean an Additional School established under the Provisions of the recited Acts and this Act; and a District School shall mean a School established in a populous Place, not being a Royal or Parliamentary Burgh, under the Provisions of this Act. 20 25

RURAL SCHOOLS.

Resolution
to establish
Rural
Schools to be
intimated to
Heritors,
with Requi-
sition to
proceed.

9. In considering whether any additional School is required in a rural District, the Commissioners shall take into consideration the natural Features of the Country, and the Amount and Description of the Population, and shall determine whether the existing Parochial School or Schools is or are sufficient to supply the Educational Wants of such Parish; and in so determining, they shall not take into consideration any School other than a Parochial School, within such Parish, which is not maintained by a permanent Endowment; and if they shall be of opinion that such Parochial School or Schools is or are not sufficient for that Purpose, they shall direct such Resolution to be intimated to the Heritors by Letter addressed to their Clerk, and shall require the Heritors to proceed for the Purpose of establishing such additional School or Schools as the Commissioners may consider to be necessary; and the Heritors shall, at a Meeting to be held within *One Month* after such Requisition shall be received, take the necessary Steps for establishing such School or Schools, and in doing so they shall proceed in all respects as Heritors are authorized to 30 35 40

to do in establishing additional Schools under the recited Acts: Provided always, that the Situation in which such School shall be proposed to be established shall be subject to the Sanction and Approval of the Commissioners: Provided also, that in the Erection or
 5 Acquisition of School Buildings the Proceedings of the Heritors shall be subject to the Provisions herein-after enacted.

10. The Election of a Schoolmaster, and the Amount of Salary to be paid to the Schoolmaster of such Rural School, and generally all other Matters relating to such Rural School, shall be regulated
 10 in like Manner as is provided in regard to Parochial Schools by the Acts relating thereto now in force, excepting in so far as may be inconsistent with the Provisions of this Act.

Rural Schools subject to same Regulations as Parochial Schools.

11. The Commissioners shall further determine whether it is desirable in any Case that rural Portions of Parishes shall be dis-
 15 joined, as regards the Support of Schools, from existing Parishes, and formed into a Rural School District under this Act, and if they shall be of opinion that it is desirable that such Rural School District should be so formed, they shall intimate their Resolution to the Heritors, and shall also intimate such Resolution to the Sheriff Clerk
 20 of the County in which the larger Amount of such Rural School District is situate; and the Sheriff of such County shall, within One Month from the Time at which such Intimation is received, proceed to mark out the Boundaries which, in his Opinion, ought to be the Boundaries applicable to such Rural School, and shall intimate his
 25 Deliverance to the Heritors whose Lands and Heritages are included within such Boundaries, and shall also at the same Time call a Meeting of such Heritors at such Time and Place as he may fix, for the Purpose of establishing such School; and such School shall thereafter be managed by such Heritors in the same Way as if such
 30 Portions of Parishes had constituted a separate Parish, and the Heritors shall be liable, in respect of their Lands situated within such Boundaries, to contribute to such Rural School, as if the same had been a separate Parish, and shall not be liable to contribute, in respect of their Lands situated within the same, to the Parochial
 35 School of the Parish.

Rural Portions of Parishes may be disjoined, and formed into a separate Parish as regards Schools.

12. If it shall appear to the Heritors of any Two or more Parishes in Scotland that One School is sufficient for the Educational Wants of such Parishes, the Heritors may, with Consent of the Commissioners, resolve that such Parishes shall be united and form a United Parish as
 40 regards the Parochial School: Provided always, that such Resolution to unite shall be carried by a Majority of *Two Thirds* of the Heritors present at a Meeting called in Terms of the recited Acts and this
 [56.] A 3 Act,

Parishes may be united.

Act, in each of the said Parishes: Provided also, that the Schoolmaster of every School which may be proposed to discontinue as a Parochial School shall be entitled, during his Life, to receive from the Heritors who are at present liable in the same the Amount of Salary to which he shall be entitled by Law at the Date of such Resolution. 5

Heritors
may resolve
that a Parochial
School shall become
a District
School.

13. In the event of any existing Parochial School being situated in a populous Place, as herein-after described, it shall be lawful for the Heritors of such Parish, with the Consent of the Commissioners, to resolve that such School shall become a District School in Terms of this Act, and such Resolution shall be intimated by the Heritors to the Sheriff Clerk of the County, and such School shall thereafter be established and maintained as a District School in manner after provided. 10

Assessments
for Salaries
in Parochial
and Rural
Schools.

14. It shall not be necessary for the Heritors, in imposing the Assessment for Payment of the Salary of any Parochial or Rural Schoolmaster, to assess for more than *One Half* of the Amount of Salary which may be fixed by the Heritors, along with, in the Case of Schoolmasters in Office at the Date of this Act, One Third of the Amount at present received by such Schoolmaster from the Committee of Council, in consideration of Payments by the Heritors beyond the minimum Salary specified in the last-recited Act, or for more than the Half of any other Expenses or Allowances, excepting always School Buildings, payable under the recited Acts and this Act: Provided that the Heritors of any Parish shall in no Case be liable to contribute more for the Support of Parochial or Rural Schools within such Parish, under the said recited Acts and this Act, than the maximum Amount of Salary authorized by the recited Acts. 15 20 25

Proceedings
when Contributions
by Heritors exhausted.

15. If it shall be found, in any Case, that the Means provided by this Act are inadequate to the Support of a Rural School directed by the Commissioners to be established, by reason of the Amount which the Heritors are bound or authorized by Law to contribute being exhausted, it shall be lawful for the Commissioners to intimate the same to the Sheriff Clerk of the County, and thereafter the same Proceedings shall be adopted as are herein-after directed to be followed, in order to establish a District School in the Locality in which such School has been directed to be established. 30 35

DISTRICT SCHOOLS.

Resolution
for Commissioners
to be

16. In every Case in which the Commissioners shall resolve that it is desirable, by reason of the Amount of Population and the Amount of 40
of

of House Property within any Portion of a Parish or Parishes, that a District School should be established, and maintained by Assessment on the Owners and Occupiers of Lands and Heritages within such Portion of the Parish, they shall direct such Resolution to be intimated to the Sheriff Clerk of the County within which such Portion of the Parish is situated; and the Sheriff of such County shall, within *One Month* after the Date of the Receipt of such Intimation by the Sheriff Clerk, fix the Boundaries of such District, in conformity with the Resolution of the Commissioners, and shall also, by Notice published as herein-after mentioned, call a Meeting of the Owners and Occupiers of all Lands and Heritages of the annual Value of *Ten Pounds* and upwards, to be held within *Fourteen* Days from the Date of such Notice, at such Time and Place as he shall direct, for the Purpose of considering such Resolution.

intimated to Sheriff Clerk, and Proceedings to be taken by Sheriff.

17. The Notice of such Meeting shall specify the Purpose thereof, the Boundaries of the District as fixed by the Sheriff, and the Time and Place of holding such Meeting, and shall be inserted *twice* at least in a Newspaper published in the County in which the District is situate, or if no Newspaper be published therein in a Newspaper published in a County adjoining thereto.

Publication of Notice of Meeting.

18. At such Meeting the Sheriff shall preside, and shall put to the Meeting a Resolution that such School shall be established within such District; and if *Two Thirds* of the Owners or Occupiers qualified as before provided, representing more than *One Half* of the Value of Lands and Heritages within such District, and present at such Meeting, object to such Resolution, such School shall not be established; but unless such Objection is supported by Owners and Occupiers of the Number and Value above mentioned, present at such Meeting, the Resolution that such School shall be established shall be held to be carried, and the Meeting shall thereupon proceed to elect a School Committee consisting of not less than *Four* and not more than *Seven* Persons as the Meeting may determine.

Proceedings at Meeting of Rate-payers.

19. The School Committee shall forthwith take the necessary Proceedings for the Establishment of a School, and shall obtain Plans and purchase Ground for the necessary School Buildings, which Plans shall be subject to the Approval of the Committee of Council; and shall have Power to elect a Schoolmaster, and fix his Salary, and to impose Assessments, as herein-after provided.

Election of School Committee, and further Proceedings.

20. Every Schoolmaster elected by the School Committee shall be subject to the like Trial and Examination as is provided in the Case of Schoolmasters elected under the last-recited Act, subject always to the Provisions of this Act.

Schoolmasters to be subject to Examination.

Powers of
School Com-
mittees.

21. The School Committee shall be entitled to impose an Assessment on the Owners and Occupiers of Lands and Heritages within the District, for the Purpose of defraying the Expense of School Buildings and Schoolmaster's Salary, and the other Expenses of such School, including retiring Allowances to Schoolmasters; and such Assessment shall be recovered *One Half* from the Owners and *One Half* from the Occupiers of such Lands and Heritages: Provided always, that such Assessment shall in no Case exceed per Pound on the real Rent of Lands and Heritages in any such District, and that it shall not be necessary for such School Committee to impose such Assessment for more than *One Half* of the Salary of the Schoolmaster and other School Expenses, along with the Proportion herein-after authorized of the Expense of School Buildings.

Management
of Schools
vested in
School Com-
mittees.

22. The Management of the Schools to be established under the Provisions of this Act, as regards the Branches of Education to be taught, and the Adjustment of the School Fees, shall be vested in the School Committee to be selected or appointed as herein-after provided, subject to the General Regulations to be made under this Act.

Boundaries
of Districts
may be
altered.

23. After such School Committee has been elected, it shall be lawful for the Sheriff, on the Application either of the School Committee, or of any Heritor qualified to vote on the Election of a Schoolmaster, to apply to the Sheriff to revise and alter the Boundaries fixed by him as the Boundaries of any District: Provided that such Application be made within *Three Months* after the Election of such School Committee.

Ratepayers
to have
Power to
establish
Schools with
several Mas-
ters.

24. It shall be lawful for the Ratepayers at any Meeting at which it has been resolved to establish a District School, or at any subsequent Meeting, which the Sheriff is hereby directed to call and intimate, as above provided, on a Requisition signed by any Six Ratepayers within the District, to resolve by a Majority in Number present at such Meeting, representing not less than *One Third* of the Value of Lands and Heritages within such District, that the Salary of the Schoolmaster shall be higher than that provided by the last-recited Act, and to resolve that more than *One Master* shall be employed in such School, and to fix the Number of such Masters and the Amount which may be necessary for carrying out such Resolutions, and to authorize the School Committee to lay on an Assessment for *One Half* the Amount of the same, and also to authorize the School Committee to regulate the Branches of Knowledge to be taught in such School.

25. The

25. The Commissioners, in resolving that any Rural or District School ought to be established under the Provisions of this Act, shall at the same Time determine whether such School shall be of the First or the Second Class; and for the Purposes of this Act a School of the
 5 First Class shall mean a School of which the Salary and Allowances, including retiring Allowances, shall be the same as those fixed by the last-recited Act and this Act, and a School of the Second Class shall mean the Schools, whether Rural or District, the Salary and Allowances of which shall be fixed by the Heritors or School Committee
 10 respectively, but subject to the Approval of the Committee of Council.

Commissioners to determine whether Schools to be of First or Second Class.

26. It shall be lawful for the Heritors or Ratepayers to resolve to impose an Assessment, over and above the maximum Rate authorized by the recited Acts, for the Purpose of paying the Salaries of Female Teachers, or of establishing Schools to be taught by
 15 Female Teachers, which Schools shall be under the like Management as the Parochial, Rural, or District Schools within the same Parish or District: Provided always, that the Salary of the Mistress of any such School shall not exceed the Sum of :
 Provided also, that such Assessment shall only be imposed for Payment
 20 of *One Half* of such Salary, and *One Half* of the Expenses of such School.

Assessment or Contribution for Female Schools.

27. It shall be lawful for the Heritors of any Parish, at a Meeting to be regularly called, to impose an Assessment for the Employment of Itinerant Teachers in remote Parts of the Country, subject to the
 25 Regulations to be made as herein-after provided, and to fix the Salary and Allowances of such Itinerant Teacher, subject to the Approval of the Committee of Council; and such Assessment shall be imposed for *One Half* of the said Salary and Allowances.

Assessment or Contribution for Itinerant Teachers.

28. In following out the Provisions of this Act, the Commissioners shall, as soon as may be after the passing of this Act, issue a Notice to be published in the Edinburgh Gazette at such Times as they shall direct, and to be transmitted to the Sheriff Clerk of each County, and by him to be published in each Parish within such County as the Commissioners may direct, inviting the Heritors of each Parish, or any
 30 Ratepayers within any populous Portion of a Parish, to communicate to the Commissioners their Desire that a Rural or District School should be established in such Parish, or Portion of a Parish, under the Provisions of this Act; and in order to ascertain and fix the various Matters provided by this Act, the Commissioners shall be entitled to
 35 receive from the Committee of Council such Assistance in the way of the Appointment of Inspectors as the Committee of Council may think fit; and they shall also be entitled, from Time to Time, with Consent

Notice to be given by Commissioners.

of Her Majesty's Treasury, to appoint Special Inspectors, with a view to ascertaining the Facts relating to any Parish or District or any particular Part of the County which may be necessary for the Purposes of this Act: Provided that the Remuneration to be paid to such Special Inspectors shall never exceed _____ per Day. 5

SCHOOL BUILDINGS.

Existing
School
Buildings
may be
adopted,
under the
Provisions
of this Act.

29. If any School Building exist in a District in which a Rural or District School is to be established under the Provisions of this Act, it shall be lawful for the Heritors or School Committee respectively, with the Consent of the Commissioners, to acquire and take over such 10 School Buildings for the Purposes of such School; and if such School Buildings belong to a Parochial School, and are situate within a District established by this Act, it shall be lawful for the Heritors and the School Committee to agree as to the Acquisition of such School 15 Buildings for the Purposes of this Act; and if such School Buildings have been erected by the Aid of Funds contributed by the Committee of Council, it shall not be necessary for the Heritors or the School Committee respectively to provide any larger Sum as the Purchase Money of such Buildings than the Amount of any Debt which may have been contracted in regard to the same: Provided that the 20 Person or Persons in whom the Title to such Buildings shall be vested may retain the same, on Payment to the Heritors or School Committee, as the Case may be, of the Principal Sum contributed by the Committee of Council toward the Erection thereof: Provided always, that no such Buildings shall be taken for the Purposes of this Act, 25 which are attached to any Ecclesiastical Building.

Assessment
for School
Buildings.

30. In order to provide for School Buildings under this Act, the Heritors or School Committee respectively shall assess for or contribute for the Period of *Twenty-two Years* a Sum equal to *Six Pounds Ten Shillings* per Centum per Annum on *Three Fourths* of the Capital 30 Sum which may be necessary to defray the Expense of such Buildings; and the same, when acquired or built, shall be vested in the Heritors or School Committee respectively, in the same Way and to the same Effect as Parochial School Buildings are vested in the Heritors: Provided, that the Heritors or School Committee may validly convey or 35 dispose of all School Buildings vested or which may be vested in them, which may be found to be unnecessary, for the Purposes of this Act.

Definition
of School
Buildings.

31. In regard to Schools of the First Class, the Term School Building shall include the Accommodation required in the Case of 40 Parochial Schools; and in regard to Schools of the Second Class it shall include such School Buildings as the Heritors or School Committee may consider to be requisite,

SUPER-

SUPERINTENDENCE OF SCHOOLS.

32. The Superintendence of all Schools to be established under this Act, other than existing Parochial Schools, or Side Schools which may be adopted as Rural Schools under this Act, shall be vested in the University Court of the University District in which such School is situate; and such University Court shall be entitled to appoint annually a Committee for the Purposes of this Act, which Committee shall consist of not less than *Four* Members of the Court, and the University Court may add to such Committee any *Two* of the Professors in Arts in such University, to act for the Year as the Education Committee of the said University; and the Secretary to the Examiners appointed under the last-recited Act shall be the Secretary to the University Court, or the Education Committee in Matters relating to this Act; and such Secretary shall be paid in respect of every Schoolmaster who shall be examined under the Provisions of the said recited Act and this Act the Sum of *Forty Shillings*, anything in the said recited Act notwithstanding; and the Expenses of occasional Clerks or Messengers incurred in the Business of such University Court or Education Committee thereof shall be defrayed as such Expenses are directed to be defrayed by this Act.

Superintendence of Schools.

33. All Schoolmasters to be elected to any School established under the Provisions of this Act shall be examined as directed by the last-recited Act; *provided that no such Schoolmaster shall be required to sign the Declaration contained in the said Act*: And it shall be lawful to the Heritors or the School Committee, or to any Number of Ratepayers or Parents of Children attending such School, being not less than *Six*, to complain to the University Court in regard to the general Department of any Schoolmaster, or his Conduct in the Discharge of his Duties; and the University Court or Education Committee thereof may make such Inquiry as may be necessary by means of the Inspectors employed by the Committee of Council, or by Special Inspectors to be appointed for that Purpose by the said Committee on a Representation made to them to that Effect by the said University Court or Education Committee thereof; and the University Court or Education Committee may, after such Inquiry as they may think fit to direct, dismiss, suspend, or censure such Schoolmaster in respect of moral Delinquency or Neglect of Duty, or Failure to discharge the same efficiently: Provided always, that in all Cases of Dismissal or Suspension, the Reasons on which such Sentence has proceeded shall be specifically recorded in such Sentence, and a Copy thereof shall be transmitted to the President of the Council, and to such Schoolmaster; and the Sentences pronounced by the University

Examination of Schoolmasters.

Court or Education Committee thereof, shall be final, and not subject to Review, excepting as herein-after provided.

Special In-
quiries to be
made by
University
Court.

34. The University Court or Education Committee thereof shall have full Power, with Consent of the Committee of Council, and a special Cause shown, to make special Inquiries into the State of any 5 School established under this Act, or any Matters connected therewith, and the Expense of such Inquiry shall be defrayed as above provided in regard to Special Inspectors appointed by the Commissioners.

Board of
Education
to be esta-
blished.

35. The Commissioners under this Act, and their Successors in the several University Offices at present held by them, together with any 10 Persons, not exceeding *Four*, to be appointed by Her Majesty by Writing under the Hand of One of Her Principal Secretaries of State, and the Senior Professor of Divinity in each of the Universities of Scotland, shall form a General Board of Education for Scot- 15 land, and shall have Power from Time to Time to make General Regulations for the Management of the Schools established under this Act; and such General Board shall be summoned from Time to Time as may be thought necessary, by Warrant addressed under the Hand of the President of the Committee of Council, to the Clerk of any University Court in Scotland, at the Seat of which University such 20 General Board shall meet, for the Purposes and for the Period to be named in the said Warrant; and it shall be competent for any *Three* Members of the University Court of any University, or for any Schoolmaster who has been dismissed or suspended by the University Court, to make Representation to the President of the Council in 25 regard to the Actings and Proceedings of any University Court or Education Committee thereof; and the President of the Council, if he shall think proper, may summon the General Board of Education to meet and determine the Matter of any such Representation, and the Regulations and Decisions of the General Board shall be intimated by the Clerk of the University Court where the 30 Board shall happen to meet, to the Courts of the other Universities, or to the Parties concerned, and shall be by them obeyed and made public in such Way as they may direct.

BURGH SCHOOLS.

35

Magistrates
of Burghs
may assess
for the Pur-
poses of
Education.

36. It shall be lawful for the Magistrates of any Royal or Parlia- mentary Burgh to impose an Assessment on the Real Rent of Lands and Heritages within such Burgh, not exceeding in 40 the Pound, for the Purposes of Education within such Burgh: Provided that *Three Weeks* Notice shall be given of the Intention to move any such Resolution in the Town Council of such Burgh, and that such Resolution shall be carried on or before the *First of Sep- tember*

tember in any Year, and that such Resolution shall be confirmed by the Town Council at their First Meeting to be held after the annual Municipal Election, and such Assessment may be imposed and recovered in manner herein-after provided, and the Proceeds thereof shall be applied by such Town Council for the Purpose of Education within such Burgh, in such Way as they may think fit.

37. And in regard to the Payment of the Salaries of Schoolmasters, and the Expense of School Buildings, the Committee of Council shall, subject to such Rules as shall from Time to Time be prescribed by them, contribute, out of Funds voted by Parliament for that Purpose, a Sum equal to the Amount which may be raised for the said Purposes by the Heritors or School Committee or Town Council in any Parish or District or Burgh respectively; and in regard to School Buildings the Committee of Council shall advance, as above provided, the Amount of the estimated Cost of such School Buildings as may be required under the Provisions of this Act, subject to Repayment of *Three Fourths* of the said Amount at the Rate of *Six Pounds Ten Shillings* per Centum per Annum for a Period of *Twenty-two* Years; provided that the whole Sum to be contributed or advanced by the Committee of Council for the Purposes before specified, expended in any One Year, shall not exceed *Seventy-five thousand Pounds*, and that the Rules which may be prescribed by the Committee of Council are duly observed; and no Contribution or Payment shall be made by the said Committee to or in respect of any Schools in Scotland other than those regulated by this and the recited Acts, excepting Schools maintained by Episcopalian and Roman Catholic Religious Denominations.

Contributions and Advances by the Committee of Privy Council.

EDUCATIONAL ENDOWMENTS.

38. The Commissioners shall have Power to revise all Foundations, Mortifications, Endowments, or Bequests for Educational Purposes, which have taken effect for more than Fifty Years, and if it shall appear to the Commissioners that the Interests of Education and the main Design of the Donor may be better promoted by altering or adding to the Conditions of the same, they may alter such Conditions, or add to the same, by a Statute under their Hand and Seal: Provided that the Commissioners shall have no Power to alter any such Foundation, Mortification, Endowment, or Bequest which shall be attached to any Religious Denomination, without the Consent of the Persons who have the legal Management of the same.

Commissioners to revise Endowments.

39. All such Statutes shall be reported to and approved of by Her Majesty in Council before receiving effect.

Statutes to be approved by Her Majesty in Council.

RECOVERY OF ASSESSMENTS.

Assessment
to be im-
posed on
Lands and
Heritages.

40. The Assessments for the Purposes of this Act, to be called "the School Assessments," shall be imposed and levied for such Periods as may be necessary, by the School Committee of every District in which a School has been erected or improved under the Pro- 5 visions of this Act, or the Magistrates of any Burgh, on all Lands and Heritages situate within such District, or Burgh according to the yearly Rent or Value thereof as established by the Valuation Rolls, and such School Committee or Magistrates are hereby empowered and required to impose and levy such Assessments accord- 10 ingly, and that at such Rate in every Year as such School Committee or Magistrates shall deem necessary, in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be required to cover the Expenses of Assessment, Collection, and Manage- ment, and any Arrears of preceding Years, and the Assessment shall 15 be payable as from the Period from *Whitsunday* in the Year in which the same is imposed to *Whitsunday* in the Year immediately following, and may be levied either on the Proprietor or Tenant of such Lands and Heritages; but the Proprietor, in the event of his paying such Assessment, shall be entitled to claim from the Tenant *One Half* 20 the Amount thereof; and the Tenant, in the event of his paying such Assessment, shall be entitled to deduct *One Half* the Amount from the Rent payable by him: Provided that such School Committee or Magistrates shall not levy any Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses 25 connected therewith, which shall be unoccupied and unfurnished during the whole Period to which such Assessment applies.

Regulations
as to Pay-
ment of
small Assess-
ments.

41. In the Case of Lands and Heritages situated within any Burgh, let at a Rent under *Four Pounds* per Annum, or for a less Period than *Half a Year*, Deduction shall be allowed by the School 30 Committee or Magistrates of the Assessment for each Period of *Six* Months from *Whitsunday* to *Martinmas*; or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished.

School Com-
mittee may
grant Relief
from Assess-
ment in
Cases of
Poverty.

42. The School Committee or Magistrates may, on the ground 35 of the Poverty of any Person liable in Assessment under this Act in respect of any Land and Heritages in Value not amounting to *Four Pounds* per Annum, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as they shall in their Discretion think just and reasonable, but upon no other 40 Account whatsoever.

43. The

43. The whole Powers and Rights of issuing summary Warrants for Recovery of the Land and Assessed Taxes shall be applicable to the Assessments of this Act authorized to be imposed and levied, and Sheriffs, Magistrates, Justices of the Peace, and other Judges
 5 shall grant Warrants for the Recovery of such Assessments, in the like Form and under the like Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Assessments imposed in virtue of this Act shall, in the case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate,
 10 and shall be preferred to all other Debts of a private Nature due by the Parties assessed.

Mode of
recovering
Assess-
ments.

44. On an Assessment being imposed by the School Committee in any District, under the Provisions of this Act, all Lands and Heritages situate within such District shall be and are hereby
 15 exempted from Assessment for any Parochial or Rural School in the Parish within which such District is situate.

Exemption
from Assess-
ment for
Parochial
or Rural
Schools.

45. Any Dispute which may arise between the School Committee or the Magistrates, or any Person or Persons acting under them respectively, on the one Part, and any Person holding himself aggrieved
 20 on the other, relating to any Assessment under this Act, which it may not be competent or convenient to try and determine in the Sheriff Small Debt Court, shall be determined in a summary Manner by the Sheriff of the County in which such Dispute shall arise, or of the County in which the School is situate in respect of which such Assess-
 25 ment is leviable; and such Sheriff shall, on a written Petition being presented to him by any of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily; and such Decision shall be final, and shall not be subject to Appeal or
 30 Review in any Court or by any Process whatsoever.

Disputes as
to Assess-
ments to be
summarily
settled.

Education (Scotland).

A

B I L L

To make further Provision for the
Education of the People in Scotland.

*(Prepared and brought in by
Lord Advocate, Sir George Grey, and Sir
William Dunbar.)*

*Ordered, by The House of Commons, to be Printed,
21 March 1862.*

[Bill 56.]
Under 2 oz.

21 July 1862. 25 & 26 VICT.



A

B I L L

TO

Further limit the Time of proceeding to Elections
during Recess.

WHEREAS by the Act of the Tenth George the Third, Preamble.
Chapter Forty-one, subsequently repealed but re-enacted
and extended, the Speaker was enabled to issue his
Warrant to fill up Vacancies during Recess in certain Cases, after
5 giving Fourteen Days Notice in the London Gazette : And whereas
the Spread of News has become more rapid since the Year One
thousand seven hundred and seventy : And whereas unnecessary
Delay in proceeding to Election is conducive to corrupt Practices :
Be it enacted by the Queen's most Excellent Majesty, by and with
10 the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :

1. That in the Cases provided for by the Twenty-fourth George the
Third, Chapter Twenty-six, the Act of the Fifty-second George the
15 Third, Chapter One hundred and fifty-four, the Act of the Twenty-first
and Twenty-second of Victoria, Chapter One hundred and ten, the
Speaker shall issue his Writ *Seven* instead of Fourteen Days after
he has notified in the Gazette that he has received the Certificates
[Bill 222.] prescribed
Speaker in
certain
Cases to
issue Writs
Seven in-
stead of
Fourteen
Days after
Notice in
Gazette.

prescribed by the said Acts, and the said Acts shall be so construed as if *Seven* and not Fourteen Days Notice had been originally inserted in the said Acts, and this Act and the said Acts shall be construed and read together.

Elections for Counties (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 13 & 14 Vict. c. 68.

Commencement of Act; Sect. 1.

This Act incorporated with recited Act; 2.

Provisions of 13 & 14 Vict. c. 68. relating to Duration of Poll at contested Elections for Counties in Ireland, repealed; 3.

Regulating Time for polling at Elections for Knights of the Shire in Ireland, &c. Elections on or before the 15th March 1863 not to be affected; 4.

Duty of Poll Clerks at such Elections; 5.

Poll may be closed in certain Cases as heretofore; 6.

Proceedings in Cases of Riot; 7.

Additional Polling Places may be appointed upon Petition from Justices in Quarter Sessions assembled; 8.

Declaration or Order to be certified by Clerk of Privy Council, and published in Dublin Gazette; 9.



A

B I L L

TO

Amend the Law relating to the Duration of contested Elections for Counties in Ireland, and for establishing additional Places for taking the Poll thereat.

WHEREAS an Act was passed in the Thirteenth and Fourteenth Years of the Reign of Her Majesty, intituled “An Act to shorten the Duration of Elections in Ireland, and for establishing additional Places for taking the Poll thereat;” and it is expedient to amend certain Provisions of the said Act relating to contested Elections for Counties in Ireland, and to limit the Time of taking the Poll at such Elections to One Day, and to establish additional Places for taking the Poll at such Elections: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

13 & 14 Vict.
c. 68.

1. This Act shall commence and take effect from and after the Fifteenth Day of March One thousand eight hundred and sixty-three, save as herein-after excepted.

Commence-
ment of Act.

[Bill 115.]

A 2

2. This

This Act
incorporated
with recited
Act.

2. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if the said recited Act (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

Provisions
of 13 & 14
Vict. c. 68.
relating to
Duration of
Poll at
contested
Elections for
Counties in
Ireland, re-
pealed.

3. So much of the said recited Act as authorizes the Continuance 5
of the polling at every contested Election of a Knight or Knights of
the Shire to serve in Parliament for any County in Ireland for Two
Days, and prescribes the Duties of the Sheriff and Sheriff Deputies
and Clerk at such Poll during those Days, and fixes the Commence-
ment and limits the Hours of polling on such Days, and prevents 10
the Commencement of such polling on a Saturday, shall be and the
same is hereby repealed.

Regulating
Time for
polling at
Elections for
Knights of
the Shire
in Ireland,
&c.

4. At every contested Election of a Knight or Knights of the
Shire to serve in Parliament for any County in Ireland which shall
take place after the *Commencement of this Act*, the polling shall 15
commence on the next Day but *Two* after the Day fixed for the
Election (such Day not being Sunday, Good Friday, or Christmas
Day), and shall continue for *One Day* only, save in the Cases herein-
after mentioned, and shall commence at the Hour of *Eight* in the
Forenoon of the Day next but *Two* after the Day fixed for the 20
Election, and be kept open until *Five* in the Afternoon of such Day,
any Statute to the contrary notwithstanding: Provided always, that
when such next Day but *Two* after the Day fixed for the Election
shall be Sunday, Good Friday, or Christmas Day, then in case it be
Sunday the Poll shall be on the Monday next following, and in case 25
it be Good Friday then on the Saturday next following, and in case
it be Christmas Day then on the next Day following if the same
shall not be Sunday, and, if it be Sunday, on the next following
Monday: Provided always, that in case any Election shall take place
for any County in Ireland before or on the said *Fifteenth Day of* 30
March One thousand eight hundred and sixty-three, the Poll and
Proceedings thereat shall be taken in the same Manner as if this Act
had not been passed.

Elections on
or before the
15th March
1863 not to
be affected.

Duty of Poll
Clerks at
such Elec-
tions.

5. The Clerks appointed to take the Poll at the several Places
appointed for polling for the several Baronies or Half Baronies, or 35
any Division thereof respectively, and in the several Polling Booths,
shall, at the final Close of the Day's Poll, enclose and seal their several
Books, and shall publicly deliver them, so enclosed and sealed, to the
Sheriff or Sheriff's Deputy presiding at such Poll; and every such
Deputy who shall have received any such Poll Books shall forth- 40
with deliver the same, so enclosed and sealed, to the Sheriff or his
Under-sheriff, who shall receive and keep all the Poll Books unopened
until

until the re-assembling of the Court on the Day next but *One* after the Close of the Poll, unless such Day shall be Sunday, and then on the Monday following, at an Hour not earlier than *Eleven* in the Forenoon of the said Day, when he shall openly break the Seals
 5 thereon, and cast up the Number of Votes as they appear in the said several Books, and shall openly declare the State of the Poll, and shall declare the Member or Members chosen, at or before the Hour of *Two* in the Afternoon of the said Day ; any Statute to the contrary notwithstanding.

- 10 **6.** Nothing in this Act contained shall prevent any Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, from closing the Poll at any contested Election for any County in Ireland, previous to the Expiration of the Time fixed by this Act, in any Case where the same might have been lawfully closed before the
 15 passing of this Act.

Poll may be closed in certain Cases as heretofore.

- 7.** Where the Proceedings at any Election after the *Commencement of this Act* (whether such Proceedings shall consist of the Nomination of a Candidate or Candidates or of the taking of the Poll) shall be interrupted or obstructed by any Riot or open Violence at or near
 20 the Place of Election or a Polling Place, or shall be interrupted or obstructed by any Riot or open Violence taking place elsewhere by the violent or forcible Prevention, Obstruction, or Interruption of Voters proceeding on their Way to such Election or Polling Place, (such last-mentioned Prevention, Obstruction, or Interruption of
 25 Voters proceeding on their Way as aforesaid being shown by Affidavit,) the Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, shall not for such Cause terminate the Business of such Nomination, nor finally close the Poll, but shall adjourn the Nomination or the taking of the Poll, at the parti-
 30 cular Polling Place or Polling Places at or near to which, or on the Way to which, such Interruption or Obstruction shall have happened, until the following Day ; and, if necessary, shall further adjourn such Nomination or Poll, as the Case may be, until such Interruption or Obstruction shall have ceased, when the Sheriff or Returning Officer,
 35 or his Deputy, shall again proceed with the Business of the Nomination or with the taking the Poll, as the Case may be, at the Place or Places at or near to which, or on the Way to which, the same respectively may have been interrupted or obstructed ; and the Day on which the Business of the Nomination shall have been concluded shall
 40 be deemed to have been the Day fixed for the Election, and the Commencement of the Poll shall be regulated accordingly ; and any Day whereon the Poll shall have been so adjourned shall not at such Place or Places be reckoned the Day of polling at such Election within the Mean-

Proceedings in Cases of Riot.

ing of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give Notice of such Adjournment to the Sheriff or Returning Officer, who shall not finally declare the State of the Poll, or make Proclamation of the Member or Members chosen, until the Poll 5 so adjourned at such Place or Places as aforesaid shall have been finally closed, and the Poll Books delivered or transmitted to such Sheriff or other Returning Officer; anything herein-before contained, or in any other Statute, to the contrary notwithstanding: Provided always, that this Act shall not be taken to authorize an Adjourn- 10 ment to a Sunday, but that in every Case in which the Day to which the Adjournment would otherwise be made shall happen to be a Sunday, Good Friday, or Christmas Day, that Day or Days shall be passed over, and the following shall be the Day to which the Adjournment shall be made. 15

Additional
Polling
Places may
be appointed
upon Peti-
tion from
Justices in
Quarter
Sessions as-
sembled.

8. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the Advice of the Privy Council in Ireland, from Time to Time hereafter, on Petition from the Justices of any County or Riding in Ireland in Quarter Sessions assembled, representing that the Polling Places for such 20 County or Riding are insufficient in Number or inconveniently situated, and praying that the Place or Places mentioned in the said Petition may be a Polling Place or Polling Places for the County or Riding within which such Place or Places is or are situate, or may be discontinued as such Polling Place or Places, and that a Barony 25 or Baronies, Half Barony or Half Baronies, or any Portion thereof respectively, in such Petition mentioned, may constitute a District for polling at a Polling Place in such Petition mentioned, (anything in the said recited Act, provided that a Barony or Half Barony shall not be divided, to the contrary notwithstanding,) or 30 praying that any Polling District or Districts may be altered, and that any Barony or Half Barony, or any Portion thereof respectively, may be detached from any such Polling District, and be annexed to any other Polling District, as the Case may be, to declare that any Place or Places mentioned in the said Petition shall be a Polling Place or 35 Polling Places for that County or Riding, or shall be discontinued as such Polling Place or Places, and that the Barony or Baronies, Half Barony or Half Baronies, or any Portion thereof respectively in such Petition mentioned, shall constitute a District for Polling at such Polling Place, and that the other Polling Districts of the said County 40 or Riding shall be altered accordingly; or to declare that any Polling District or Districts shall be altered, and that any Barony or Half Barony, or Portion thereof respectively, shall be detached from any such Polling District, and be annexed to any other Polling District.

9. Every

9. Every such Declaration or Order for creating additional Polling Places and the Polling Districts for the same, or for discontinuing or altering any Polling District or Districts, shall be certified under the Hand of the Clerk of the said Privy Council, and when so certified
5 shall be published in the Dublin Gazette, and shall be of the same Force and Effect as if the same had been made by the Authority of Parliament: Provided always, that no such Petition as aforesaid shall be made by such Justices so assembled unless a Notice in Writing shall have been delivered, *One Month* at the least before the holding
10 of such Quarter Sessions, to the Clerk of the Peace of the County or Riding wherein the same are held, signed by *Two* Justices of the Peace for such County or Riding, and residing therein, or by *Ten* Inhabitants, being registered Voters for such County or Riding, which Notice shall state that the Court will, when such Sessions are
15 held, be moved to make such Petition; nor unless the Clerk of the Peace shall, *Ten* Days at the least before the holding of such Sessions, have caused a Copy of such Notice to be inserted *twice* at the least in *Two* of the Newspapers of such County or Riding, if *Two* Newspapers are published therein, or, if not, in a Newspaper
20 published or commonly circulated therein, together with a Notice of the Day upon which, and the Place at which, such Quarter Sessions will be held; provided also, that when such Motion is made any Person objecting to the same shall be heard by such Court against the same, or any Part thereof, if he thinks fit.

Declaration
or Order to
be certified
by Clerk of
Privy Coun-
cil, and pub-
lished in
Dublin
Gazette.

Elections for Counties (Ireland).

A

B I L L

To amend the Law relating to the
Duration of contested Elections for
Counties in Ireland, and for establish-
ing additional Places for taking the
Poll thereat.

(Prepared and brought in by
Mr. Agar-Ellis and Mr. Hassard.)

Ordered, by The House of Commons, to be Printed,
12 May 1862.

[Bill 115.]

Under 1 oz.

Elections (Ireland) Bill

ARRANGEMENT OF CLAUSES.

Preamble recites 1 Geo. 4. c. 11. s. 5.

Commencement of Act; Sect. 1.

Elections in Counties in Ireland to be not later than Twelfth nor sooner than Sixth Day from Day of Proclamation; 2.

Repeal of 9 & 10 Vict. c. 30; Elections in Cities, Towns, or Boroughs to be within Six Days after the Receipt of Writ or Precept; Three clear Days Notice to be given; 3.

Writs, &c. to be conformable to this Act; 4.

12 May 1862 25 VICT.



A

B I L L

TO

Limit the Time for proceeding to Elections in
Counties and Boroughs in Ireland.

WHEREAS by the Fifth Section of the Act of the First Preamble.
George the Fourth, Chapter Eleven, it is provided that 1 G. 4. c. 11.
immediately after the Receipt of the Writ for making an s. 5.
Election for any County in Ireland, the Sheriff of such County
5 shall endorse thereon the Date of receiving the same; and that such
Sheriff shall, within Two Days after the Receipt of such Writ,
cause Proclamation of the Time and Place of holding such Election
to be made at the Place where the ensuing Election ought by Law to
be holden, between the Hours of Ten of the Clock of the Forenoon
10 and Two of the Clock in the Afternoon; and that the said Sheriff
on the same Day shall cause to be affixed on the Doors of the County
Court House Public Notice, signed by himself, of a Special County
Court to be there holden, for the Purpose of such Election only, and
which shall be holden on some Day (Sunday, Christmas Day, and
15 Good Friday excepted) not later from the Day of making such
Proclamation and affixing such Notice than the Sixteenth Day, nor
sooner than the Tenth Day: And whereas it is expedient to limit
the Time for proceeding to such Elections: Be it therefore enacted
[Bill 116.] A by

by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Commence-
ment of Act.

1. This Act shall commence and take effect from and after the 5
*Fifteenth Day of March One thousand eight hundred and sixty-
three.*

Elections in
Counties in
Ireland to be
not later
than Twelfth
nor sooner
than Sixth
Day from
Day of Pro-
clamation.

2. From and after the *Commencement of this Act* any such Special County Court for the Purpose of the Election of a Member or Members to serve in Parliament for any County in Ireland shall 10
be holden on any Day (Sunday, Good Friday, and Christmas Day excepted) not later from the Day of making such Proclamation than the *Twelfth Day*, nor sooner than the *Sixth Day*; provided that this Section shall not apply to the Election for any County of a City or of a Town. 15

Repeal of
9 & 10 Vict.
c. 30.

Elections in
Cities,
Towns, or
Boroughs to
be within
Six Days
after Receipt
of Writ or
Precept.
Three clear
Days Notice
to be given.

3. From and after the *Commencement of this Act* the Act of the Ninth and Tenth Victoria, Chapter Thirty, defining the Notice of Elections of Members to serve in Parliament for Cities, Towns, or Boroughs in Ireland, shall be and the same is hereby repealed; and in every City or Town in Ireland, being a County of itself, and 20
in every Borough in Ireland, returning or contributing to return a Member or Members to serve in Parliament, the Sheriff or other Officer to whom the Duty of giving such Notice belongs shall proceed to Election within *Six Days* after the Receipt of the Writ or Precept, giving *Three* clear Days Notice at least of the Day 25
appointed for the Election, exclusive of the Day of Proclamation and the Day of Election.

Writs, &c.
to be con-
formable to
this Act.

4. All Writs for the Election of any Member or Members to serve in Parliament for any County, City, Town, or Borough in Ireland issued after the Commencement of this Act, and all Mandates, 30
Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be and the same are hereby authorized to be framed and expressed in such Manner and Form as may be necessary for carrying the Provisions of this Act into effect.

LORDS AMENDMENTS

TO THE

ELECTIONS (IRELAND) BILL.

NOTE.—*The Page and Line refer to the Bill (100.) as printed by the Lords.*

Page 2.

Leave out Clause 3 and insert Clause (A.)

CLAUSE (A.) Every Writ for making any Election of a Member or Members to serve in Parliament for any City, Town, or Borough in Ireland shall be directed to the Returning Officer of the said City, Town, or Borough, or his Deputy, and in their Absence to the Sheriff of the County in which the said City, Town, or Borough is situate; and in all Cases whatever whenever there shall be, either from temporary Vacancy or from some other Cause, no Person duly qualified in any such City, Town, or Borough to perform the Duties of a Returning Officer for the same, the Sheriff of the County in which such City, Town, or Borough is situate shall be charged with the Execution of the said Writ, and shall execute the same, and in all respects perform the Duties of and incidental to the Office of Returning Officer: Provided always, that it shall not be lawful for the said Sheriff to receive or execute the Writ except when there shall be no Person within the said City, Town, or Borough legally qualified and competent as Returning Officer to execute the same.

LORDS AMENDMENTS

TO THE

ELECTIONS (IRELAND) BILL.

*Ordered, by The House of Commons, to be Printed,
25 July 1862.*

[Bill 237.]

Under 1 oz.

24 June 1862. 25 & 26 VICT.



A

B I L L

TO

Amend the Law respecting Endowed Schools.

WHEREAS it is apprehended that according to the Law at Preamble.
at present in force no Person not conforming to the
Church of England can hold the Mastership of any
School of Royal Foundation or of any other Endowed School
5 or Charity for the Education of Youth, unless the same shall have
been founded for the immediate Use and Benefit of Persons not con-
forming to the said Church, and it is right that such Restriction should
be removed, and that the Laws relating to the Government and
Religious Teaching of such Schools should in other respects be
10 amended, so that the same should, so far as possible, be open to all
Subjects of the Realm without any Distinction whatever: Be it
enacted by the Queen's most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
15 the same, as follows :

1. No Endowed School, or Charity for the Education of Youth,
of Royal Foundation, shall be deemed to have been founded for the
Purpose of affording Religious Instruction according to the Doctrines
of the Church of England ; and every Subject of the Realm, without
20 any Distinction on the Ground of his Religious Belief, shall, if qualified
[Bill 167.] in

No Endowed
School of
Royal Foun-
dation to be
deemed a
Church of
England
School, and
every one to
be admitted,
without Dis-
tinction on

the Ground of Religious Belief, to be a Trustee, Master, or Scholar thereof.

No other School to be deemed a Church of England School unless founded for its immediate Use.

In ascertaining whether a School belongs to the Church of England, no Rule of Evidence to be applied which would not serve to show that it belonged to some other Religious Body.

Where a School does not belong to some Religious Body, the Religious Teaching to be determined by the Trustees for the Time being.

The Sections of the Act of Uniformity requiring Declaration to be made and Licence obtained before exercising certain Offices repealed as to Schoolmasters and Tutors.

Short Title.

in other respects, be entitled to receive the Education and participate in the full Benefit of every such School or Charity, and also to be a Trustee of the Property of such School or Charity, and to hold any Office in its Government or Teaching.

2. No Endowed School or Charity for the Education of Youth not of Royal Foundation shall be deemed to have been so founded, unless the same shall have been founded for the immediate Use and Benefit of Members of the Church of England.

3. In ascertaining whether any School or Charity has been founded for the immediate Use or Benefit of Members of the Church of England, no regard shall be had to any Presumption or Principles of Law or Rules of Evidence in obedience to which any Court of Civil Judicature may have heretofore declared, ordered, or adjudged that any College, School, or Charity shall be deemed to have been founded for the immediate Use and Benefit of Members of the Church of England, or that the Teaching and Government thereof must be in accordance with the Doctrines and Discipline of the said Church, save in so far only as the same Presumptions, Principles, or Rules may have been or may be used and applied in determining that any College, School, or Charity has been founded for the immediate Use and Benefit of some Religious Body not conforming to the Church of England.

4. Unless any School or Charity shall appear to have been founded for the immediate Use and Benefit of Members of the Church of England, or of some Religious Body not conforming thereto, the Nature and Extent of Religious Teaching therein shall be determined by the Majority for the Time being of the Trustees or other Persons who by the Constitution of such School or Charity shall for the Time being be the Governors thereof; but no Child receiving Education in any School or Charity as to which the same shall not appear shall be required to learn the Doctrine or Formularies of any Religious Communion, Sect, or Denomination, or to attend the Celebration of Divine Worship according to the Ritual thereof, unless his Father, if living, shall belong, or if dead shall have belonged at the Time of his Death, to the same Communion, Sect, or Denomination.

5. Sections Eight, Nine, Ten, and Eleven of the Statute made in the Thirteenth and Fourteenth Year of the Reign of King Charles the Second are hereby repealed, so far as they relate to Schoolmasters and Tutors.

6. This Act may be cited as "The Endowed Schools Act, 1862."

10 February 1862. 25 VICT.



A

B I L L

TO

Amend an Act, intituled “An Act to amend the
“ Law relating to Supply Exchequer Bills, and
“ to charge the same on the Consolidated Fund ;”
and to repeal the Provisions of an Act by which
Authority is given to the Commissioners of Her
Majesty’s Treasury to fund Exchequer Bills.

WHEREAS by an Act passed in the last Session of Parlia- Preamble.
ment, Chapter Five, it is enacted, that whenever Payment
of the Principal Moneys of any Exchequer Bills authorized
to be made out and issued under the Provisions of the said Act shall
5 be claimed, and shall be paid to the Holder thereof, and whenever any
Exchequer Bills shall, under the Authority of the said Act, be paid in
for Duties granted to Her Majesty, it shall be lawful for the Commis-
sioners of Her Majesty’s Treasury to order the Preparation and Issue of
a like Amount of Exchequer Bills to be prepared and issued in place
10 of the Exchequer Bills so paid off, and so paid in for Duties : And
whereas it is expedient to provide that no Exchequer Bills shall be
so prepared and issued in place of such Exchequer Bills so paid off,
[Bill 6.] and

and so paid in for Duties, at any Period after the Expiration of the financial Year during which such Exchequer Bills shall have been paid off or paid in for Duties: And whereas by an Act passed in the Ninth Year of the Reign of King George the Fourth, Chapter Ninety-two, certain Powers and Authorities are given to the Commissioners of Her Majesty's Treasury to create permanent Annuities chargeable upon the Consolidated Fund in lieu of Exchequer Bills held by the Commissioners for the Reduction of the National Debt under the Authority of that Act, and to cancel such Exchequer Bills in consideration of the permanent Annuities so created in lieu thereof; and it is expedient that such Powers and Authority shall cease and determine: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 15

The Authority granted by first-recited Act not to extend beyond the financial Year in which Exchequer Bills shall have been paid off or paid in for Duties.

1. The Authority granted by the said first-recited Act shall be limited to and shall not extend beyond the Year commencing on the *First Day of April* and ending on the *Thirty-first Day of March* then next immediately following during which any such Exchequer Bill shall be paid off or paid in for Duties, and shall thereupon be cancelled. 20

Repealing the Powers of the Commissioners of the Treasury as to funding Exchequer Bills.

2. The several Powers and Authorities vested in the Commissioners of Her Majesty's Treasury in relation to the Creation of permanent Annuities, and to the cancelling of Exchequer Bills by the said second-recited Act are hereby repealed, and shall cease and determine on and after the *passing of this Act*; any Act or Acts to the contrary notwithstanding. 25

28 February 1862. 25 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend an Act, intituled “ An Act to amend the
“ Law relating to Supply Exchequer Bills, and
“ to charge the same on the Consolidated Fund ;”
and to repeal all Provisions by which Authority
is given to the Commissioners of Her Majesty’s
Treasury to fund Exchequer Bills.

WHEREAS by an Act passed in the last Session of Parlia-
ment, Chapter Five, it is enacted, that whenever Payment
of the Principal Moneys of any Exchequer Bills authorized
to be made out and issued under the Provisions of the said Act shall
5 be claimed, and shall be paid to the Holder thereof, and whenever any
Exchequer Bills shall, under the Authority of the said Act, be paid in
for Duties granted to Her Majesty, it shall be lawful for the Commis-
sioners of Her Majesty’s Treasury to order the Preparation and Issue of
a like Amount of Exchequer Bills to be prepared and issued in place
10 of the Exchequer Bills so paid off, and so paid in for Duties : And
whereas it is expedient to provide that no Exchequer Bills shall be
so prepared and issued in place of such Exchequer Bills so paid off,
and so paid in for Duties, at any Period after the Expiration of the
financial Year during which such Exchequer Bills shall have been
[Bill 27.] and

Preamble.

24 Vict. c. 5.

9 Geo. 4. c. 92. paid off or paid in for Duties : And whereas by an Act passed in the Ninth Year of the Reign of King George the Fourth, Chapter Ninety-two, certain Powers and Authorities are given to the Commissioners of Her Majesty's Treasury to create permanent Annuities chargeable upon the Consolidated Fund in lieu of Exchequer Bills held by the 5 Commissioners for the Reduction of the National Debt under the Authority of that Act, and to cancel such Exchequer Bills in consideration of the permanent Annuities so created in lieu thereof; and it is expedient that such Powers and Authority shall cease and determine : Be it therefore enacted by the Queen's most Excellent Majesty, 10 by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Limitation of
Authority for
Re-issue of
Bills.

1. The Authority granted by the said first-recited Act shall be limited to and shall not extend beyond the Year commencing on the 15 First Day of April and ending on the Thirty-first Day of March then next immediately following during which any such Exchequer Bills shall be paid off or paid in for Duties, and shall thereupon be cancelled.

Repeal of
Authority for
funding Bills.

2. The several Powers and Authorities vested in the Commissioners of Her Majesty's Treasury in relation to the Creation of 20 permanent Annuities, and to the cancelling of Exchequer Bills by the said second-recited or by any other Act are hereby repealed, and shall cease and determine on and after the passing of this Act.

Payment to the
Bank of Eng-
land for Ma-
nagement.

3. There shall be paid to the Governor and Company of the Bank of England out of the Consolidated Fund of the United Kingdom, or 25 out of the growing Produce thereof, for the Management of the Unredeemed Public Debt in Exchequer Bills, for the Year commencing on the First Day of December One thousand eight hundred and sixty-one, an Allowance at the Rate of One hundred Pounds for every Million of Exchequer Bills which were outstanding on that Day ; and 30 such Payment shall be made on the First Day of December One thousand eight hundred and sixty-two; and the Allowance for Management of Exchequer Bills shall be computed and paid in like Manner in every succeeding Year, until Parliament shall otherwise direct.

35

Outstanding
Exchequer
Bills charged
on Consolidated
Fund.

4. All Exchequer Bills, charged on Supplies granted by Parliament, which shall be outstanding after the Thirty-first Day of March One thousand eight hundred and sixty-two, and the Interest thereon, shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof ; and the Authority 40 to pay the Principal and Interest of such Exchequer Bills out of any Supplies appropriated by Parliament to such Purposes shall thenceforth cease and determine.

8 April 1862. 25 VICT.



A

B I L L

FOR

Raising a Sum of Money by Exchequer Bonds for
the Service of the Year One thousand eight
hundred and sixty-two.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Preamble.
Commons of the United Kingdom of Great Britain and
Ireland, in Parliament assembled, towards raising the
5 necessary Supplies which we have cheerfully granted to Your Majesty
in this Session of Parliament, have resolved to give and grant unto
Your Majesty the Sum herein-after mentioned; and do therefore
most humbly beseech Your Majesty that it may be enacted; and be
it enacted by the Queen's most Excellent Majesty, by and with the
10 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows:

1. Towards making good the Supply granted to Her Majesty for Treasury
the Service of the Year One thousand eight hundred and sixty-two, it may raise
15 shall be lawful for the Commissioners of Her Majesty's Treasury at 1,000,000l.
[Bill 79.] any Exchequer Bonds.

any Time or Times, but not later than the *Thirty-first Day of March One thousand eight hundred and sixty-three*, to cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of *One million Pounds*, and such Bonds shall bear 5 such Interest as shall be determined by the said Commissioners, not exceeding *Four Pounds* per Centum per Annum, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding *Six Years* from the Date of such Bonds.

Interest on
Bonds, and
Repayment
of Principal
Money.

2. The Interest on such Bonds shall be paid *half-yearly* on such 10 Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of such Money as shall be provided by Parliament in that Behalf. 15

Treasury
may cause
Exchequer
Bonds to be
prepared and
issued.

3. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than *One hundred Pounds*, together with Receipts or Certificates specifying 20 the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds and of the Receipts or Certificates for such Interest 25 thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue 30 of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety 35 and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit; and the said Commissioners may, by such Regulations as aforesaid, provide, if they shall see fit, for the Registration of any such Bonds as may be delivered up 40 by the Holders thereof for that Purpose, and for the Delivery of Certificates of such Registration in lieu thereof, which shall be transferable by

by Entries in a Register which may be provided for that Purpose in such Manner and subject to such Conditions and Restrictions as the said Commissioners may see fit, and every such Warrant shall from Time to Time be published in the London Gazette.

5 4. The several Sections Sixteen, Seventeen, Eighteen, and Nine- Application
 teen of the Act of the Session holden in the Seventeenth and of Clauses
 Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply 16, 17, 18,
 and be construed to and in relation to the Exchequer Bonds to be and 19 of
 prepared under the Authority of this Act, in like Manner as if such 17 & 18 Vict.
 several Sections had been repeated and re-enacted in this Act. c. 23.

5. All such Sums of Money as shall be raised by Exchequer Bonds to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of England, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

6. The Commissioners of Her Majesty's Treasury may direct the Comptroller General of the Exchequer from Time to Time to deliver such Amount of Exchequer Bonds made out in pursuance of this Act as the said Commissioners shall from Time to Time think fit, not exceeding in the whole the Sum of *One million Pounds*, to such Person or Officer as may be named in any Warrant to be issued by the said Commissioners for such Purpose, and such Person or Officer shall thereafter become chargeable and be charged with such Amount of Exchequer Bonds as may be delivered to him, subject to such Directions as may be issued to him by the said Commissioners for the Sale thereof, and such Person or Officer shall be discharged from all Account in respect of such Exchequer Bonds on proving to the Satisfaction of the Commissioners for auditing the Public Accounts that he has duly obeyed the Directions of the said Commissioners of Her Majesty's Treasury: Provided always, that the said Commissioners shall not be authorized to direct the Issue of such Exchequer Bonds to such Person or Officer except for the Purpose of raising Money to be paid to the Account of Her Majesty's Exchequer at the Bank of England as aforesaid.

35 **7.** It shall be lawful for the Governor and Company of the Bank of England to advance or lend to Her Majesty, upon the Credit of the Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of *One million Pounds* (anything in an Act passed in the
40 Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any subsequent Act, to the contrary [79.]
Bank of England may advance 1,000,000*l.* on the Credit of Bonds, and Commissioners of National Debt may invest Money on thereof

Exchequer Bonds
(£1,000,000).

A

B I L L

For raising a Sum of Money by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-two.

(Prepared and brought in by
Mr. Massey, Mr. Chancellor of the Exchequer,
and Mr. Peel.)

*Ordered, by The House of Commons, to be Printed,
8 April 1862.*

[Bill 79.]

Under 1 oz.

Exchequer Bonds (£1,000,000).

4

account of Savings Banks in Purchase of Bonds. thereof in anywise notwithstanding); and also for the Commissioners for the Reduction of the National Debt to invest, in the Purchase of Exchequer Bonds issued under the Authority of this Act, any Money in their Hands on account of Savings' Banks.

14 July 1862. 25 & 26 VICT.



A

B I L L

TO

Continue the Duties of Excise on Sugar made in the United Kingdom, and to amend the Laws relating to the Duties of Excise.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary Supplies for defraying Your Majesty's public Expenses
5 and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice
10 and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Duties of Excise on Sugar made in the United Kingdom, specified in Schedule (B.) of the Act passed in the Twentieth and
15 Twenty-first Years of Her Majesty's Reign, Chapter Sixty-one, shall be continued, and be levied and charged until the *First Day of July* One thousand eight hundred and sixty-three.

Excise
Duties on
British
Sugar con-
tinued until
1st July
1863.

[Bill 209.]

2. And

Act 23 & 24
Vict. c. 114.
not to affect
any other
Duties than
the Excise
Duties on
Spirits.

2. And whereas an Act was passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits; and by the said Act certain Acts and Parts of Acts specified in Schedule (C.) thereto annexed were repealed, and Doubts may arise whether by such Repeal other Duties than those of Excise on Spirits and the Regulations for charging and collecting the same may not have been prejudiced or affected contrary to the true Intent and Meaning of the said last-recited Act: Be it enacted and declared, That nothing in the said last-recited Act or the said Schedule contained shall be construed, deemed, or taken to have repealed or affected any Duties of Excise in force at the Time of the passing of the same Act, or the Regulations for charging or collecting the same, except as to the Duties of Excise on Spirits, and all such Duties and Regulations in force as aforesaid, except as aforesaid, are hereby declared to have remained and shall continue to be and remain in full Force and Effect, and the said Duties to have been and to be lawfully charged and chargeable in like Manner as they would have been if the said last-recited Act had not been passed, unless or until the same have been or shall be otherwise expressly repealed.

Fisheries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Section.	Corresponding Clauses in former Acts.
1. Short Title.	
2. Commencement of Act.	
3. Repeal of Statutes: 5 & 6 Vict. c. 106.; 7 & 8 Vict. c. 108.; 8 & 9 Vict. c. 108.; 9 & 10 Vict. c. 114.; 11 & 12 Vict. c. 92.; 13 & 14 Vict. c. 88.	
4. Definition of Terms - - - - -	24 & 25 Vict. c. 109. s. 4.

Central Authority.

5. Commissioners for Execution of Act. Treasury may remove Commissioners, &c. -	11 & 12 Vict. c. 92. s. 1. 11 & 12 Vict. c. 92. s. 2.
6. Commissioners, Inspectors, &c. empowered to enforce Provisions of this Act - -	5 & 6 Vict. c. 106. s. 89.
7. Commissioners empowered to hold General Meetings, summon Witnesses, and examine upon Oath - - - - -	5 & 6 Vict. c. 106. s. 111.
8. Commissioners to report annually - -	5 & 6 Vict. c. 106. s. 112.
Copy of Report to be laid before Parliament.	

INLAND FISHERIES.

Prohibition of certain Modes of destroying Fish.

9. Penalty on mixing poisonous Substances in Rivers - - - - -	24 & 25 Vict. c. 109. s. 5.
10. Power to have Question under preceding Section decided by Jury - - - - -	24 & 25 Vict. c. 109. s. 6.
11. Effect of Issue - - - - -	24 & 25 Vict. c. 109. s. 7.
12. Penalty on fishing with Lights, Spears, &c. -	24 & 25 Vict. c. 109. s. 8.
13. Penalty on using Roe as a Bait - - - - -	24 & 25 Vict. c. 109. s. 9.
14. Penalty on using certain Nets - - - - -	24 & 25 Vict. c. 109. s. 10.
15. Penalty on placing or fixing fixed Engines; Saving Rights under Grant, Charter, or immemorial Usage - - - - -	24 & 25 Vict. c. 109. s. 11.
16. Penalty on using certain Dams for catching Salmon - - - - -	24 & 25 Vict. c. 109. s. 12.
17. Penalty on Company or Person not erecting Gratings to prevent the Descent of Salmon into artificial Streams - - - - -	24 & 25 Vict. c. 109. s. 13.

[Bill 47.]

Prohibition of the Destruction of unseasonable Fish.

Section.	Corresponding Clauses in former Acts.
18. Penalty on taking unclean Fish -	24 & 25 Vict. c. 109. s. 14.
19. Penalty on taking the Young of Salmon -	24 & 25 Vict. c. 109. s. 15.
20. Penalty on disturbing Fish when spawning -	24 & 25 Vict. c. 109. s. 16.

Restrictions as to Times of Fishing.

21. Close Time -	24 & 25 Vict. c. 109. s. 17.
22. Commissioners empowered to alter the Close Season in any River or District upon Inquiry had and Proof that such Alteration is expedient -	5 & 6 Vict. c. 106. s. 103. 7 & 8 Vict. c. 108. s. 4. 11 & 12 Vict. c. 92. s. 39.
23. Decision of Commissioners as to Close Season shall be published -	5 & 6 Vict. c. 106. s. 34.
24. Close Season thus determined to continue for Three Years, and until like Proceedings for Alteration shall be again had -	5 & 6 Vict. c. 106. s. 35.
25. Penalty on selling Fish during Close Time -	24 & 25 Vict. c. 109. s. 19.
26. Removal of fixed Engines during Close Time {	24 & 25 Vict. c. 109. s. 20.
27. Weekly Close Time -	5 & 6 Vict. c. 109. s. 37.
28. A free Passage to be left through Cribs or Traps during Weekly Close Time -	24 & 25 Vict. c. 109. s. 21.
	24 & 25 Vict. c. 109. s. 22.

Fish Passes.

29. Commissioners may attach Fish Passes to existing Dams -	24 & 25 Vict. c. 109. s. 23.
30. Notice required before Commissioners give Consent -	24 & 25 Vict. c. 109. s. 24.
31. Fish Passes to be attached to future Dams -	24 & 25 Vict. c. 109. s. 25.
32. Supply of Water to Fish Passes -	24 & 25 Vict. c. 109. s. 26.

Restrictions as to Fishing Weirs.

33. Construction of Free Gaps -	24 & 25 Vict. c. 109. s. 27.
34. Enforcing Free Gaps in Fishing Weirs -	24 & 25 Vict. c. 109. s. 28.
35. Construction of Boxes and Cribs in Fishing Weirs and Fishing Mill Dams -	24 & 25 Vict. c. 109. s. 29.
36. Construction of Spur Walls in Fishing Weirs or Fishing Mill Dams -	24 & 25 Vict. c. 109. s. 29.
37. Stop Nets, Still Nets, and Standing Nets prohibited -	10 Car. 1. sess. 3. c. 14.
38. Eels.—Fixed Nets or Engines for the taking of Eels shall not be set in Inland Rivers between 10th of January and 1st of July -	5 & 6 Vict. c. 106. ss. 31 and 77.
39. None shall take the Fry of Eels -	1 Eliz. c. 17. ss. 1 and 2. 8 & 9 Vict. c. 108. s. 11.
40. Penalty on using certain Nets in Inland Waters {	1 Eliz. c. 17. s. 3. 24 & 25 Vict. c. 109. s. 10.
41. Penalty on Persons throwing or allowing Matters poisonous to Fish to flow into inland Waters. -	5 & 6 Vict. c. 106. s. 80.
42. No fishing with Nets in inland Waters during Close Season for Salmon -	5 & 6 Vict. c. 106. s. 66.
43. Additional Powers to enforce Observance of the Weekly and other Close Times -	8 & 9 Vict. c. 108. s. 10.

Byelaws.

Section.	Corresponding Clauses in former Acts.
44. Commissioners empowered to make Byelaws for Protection and Improvement of Fisheries - - - - -	5 & 6 Vict. c. 106. s. 91.
45. Copies of intended Byelaws to be sent to Clerk of Peace, &c., and Notice given thereof - - - - -	5 & 6 Vict. c. 106. s. 92.
46. Publication of Byelaws - - - - -	5 & 6 Vict. c. 106. s. 93.
47. Decisions and Judgments of Commissioners to be recorded and Copies to be Evidence -	13 & 14 Vict. c. 88. s. 28.

Licences, Fishery Districts, Conservators, &c.

48. All Engines, Nets, &c. for Salmon Fishing, &c. to be licensed and pay an annual Duty -	11 & 12 Vict. c. 92. s. 1.
49. Fishery Districts formed under the 11 & 12 Vict. c. 92. and 13 & 14 Vict. c. 88. to continue till altered under this Act. Power to alter same - - - - -	11 & 12 Vict. c. 92. s. 8.
50. Conservators of Fisheries to be elected for each District - - - - -	11 & 12 Vict. c. 92. s. 3.
But not to hold any Office of Profit - - -	13 & 14 Vict. c. 88. s. 6.
51. Commissioners to prescribe Number of Conservators to be elected from each Electoral Division - - - - -	11 & 12 Vict. c. 92. s. 4.
52. Owners of Several Fisheries of a certain Value to be Conservators in like Manner as elected Conservators - - - - -	13 & 14 Vict. c. 88. s. 13.
53. Elected Conservators to be chosen by the Persons paying Licence - - - - -	13 & 14 Vict. c. 88. s. 11.
54. Persons who have paid Licence Duty entitled to vote for Conservators - - - - -	11 & 12 Vict. c. 92. s. 5.
Votes to be cumulative - - - - -	11 & 12 Vict. c. 92. s. 6.
55. Persons entitled to vote for Conservators qualified to be elected.	11 & 12 Vict. c. 92. s. 7.
56. The Scale of Licence Duties and Rates for each District to be fixed by the Commissioners - - - - -	11 & 12 Vict. c. 92. s. 9.
57. Conservators in Office at passing of Act to hold Office till next Election.	11 & 12 Vict. c. 92. s. 9.
58. First Meetings of Persons paying Licence Duty for the Election of Conservators to be called by Commissioners. Commissioners may attend and preside - - - - -	11 & 12 Vict. c. 92. s. 10.
59. Persons assembled at such First Meetings and at future triennial Meetings to elect Conservators of Fisheries for the Year - - - - -	11 & 12 Vict. c. 92. s. 11.
60. Board of Conservators, when constituted, to fix Times and Places of Meetings - - - - -	11 & 12 Vict. c. 92. s. 12.
61. In default Commissioners may fix Times and Places of Meetings - - - - -	11 & 12 Vict. c. 92. s. 12.
62. In case of Failure of any Electoral Divisions to elect, the Conservators of other Divisions shall act for the District - - - - -	13 & 14 Vict. c. 88. s. 13.
63. On Failure of Election of any Conservators, the former Board to act - - - - -	11 & 12 Vict. c. 92. s. 15.
	11 & 12 Vict. c. 92. s. 16.

Section.	Corresponding Clauses in former Acts.
64. Provisions in case of Vacancies in the Board of Conservators - - - -	13 & 14 Vict. c. 88. s. 10
65. Quorum of Boards of Conservators - - - - Chairman to have a Casting Vote.	11 & 12 Vict. c. 92. s. 17
66. How Meetings of Board of Conservators are to be called - - - -	11 & 12 Vict. c. 92. s. 18.
67. Board of Conservators at any Meetings to nominate Treasurer, Clerk, Inspectors, and Water Bailiffs - - - -	11 & 12 Vict. c. 92. s. 19.
68. Conservators empowered at General Meetings to depute Conservators for Electoral Divisions to act for such Electoral Divisions - -	13 & 14 Vict. c. 88. s. 5.
69. Security to be given by the Clerk of the Conservators, and Duties to be performed by him and other Officers - - - -	11 & 12 Vict. c. 92. s. 33.
70. District Funds to be applied by the Conservators elected for the Year - - - -	13 & 14 Vict. c. 88. s. 8.
71. All Monies received for Licences, Rates, Penalties, &c., in each District to be lodged in the Bank, and applied to defray the Expenses of such District under this Act - - - -	11 & 12 Vict. c. 92. s. 27.
72. Conservators may apply Funds of District towards providing Passes for Fish through natural and artificial Obstructions - - - -	11 & 12 Vict. c. 92. s. 20.
73. Commissioners may attend and advise at Meetings of Conservators - - - -	11 & 12 Vict. c. 92. s. 38.
74. Power to Boards of Conservators, after the Year 186 , to alter and fix, subject to Approval of Commissioners, the Licence Duty and Rates - - - -	11 & 12 Vict. c. 92. s. 13.
75. All Engines, Nets, &c. for Salmon and Trout Fishing, &c. to be licensed and pay an annual Duty - - - -	11 & 12 Vict. c. 92. s. 8. 11 & 12 Vict. c. 92. s. 30.
76. For Engines, Nets, &c. not enumerated in Schedule, Licences to be fixed by the Commissioners - - - - Saving as to Rods not used for Salmon.	11 & 12 Vict. c. 92. s. 21.
77. Form of Licences, &c. - - - - Penalty for misusing or counterfeiting the same.	11 & 12 Vict. c. 92. s. 28.
78. Penalty on Persons using or having Engines, Nets, &c. not producing Licence when required. Parties having them for Sale, &c. exempt from Penalty - - - -	11 & 12 Vict. c. 92. s. 29.
79. Licences how sold - - - -	11 & 12 Vict. c. 92. s. 30.
80. Licences to be sold to all Persons demanding to purchase - - - -	11 & 12 Vict. c. 92. s. 31.
81. Account of Sales of Licences to be furnished - - - -	11 & 12 Vict. c. 92. s. 32.
82. Penalty on using Engines, Nets, &c., without Licence - - - - Forfeitures to be applied to the Funds of the District - - - - Recovery of Forfeitures and Penalties.	11 & 12 Vict. c. 92. s. 22. 13 & 14 Vict. c. 88. s. 12.
83. All Salmon Fisheries rated to the Relief of the Poor to be subject to an annual Rate according to Valuation, in addition to Licence Duty	} 11 & 12 Vict. c. 92. s. 33. 13 & 14 Vict. c. 88. s. 7.
84. Last-mentioned Rate recoverable before Justices as Wages, or by Civil Bill, or by Action	

11 & 12 Vict. c. 92. s. 24.

Fisheries (Ireland).

v

Section.	Corresponding Clauses in former Acts.
85. Valuation of such Fisheries - -	11 & 12 Vict. c. 92. s. 25.
86. Collection of such annual Rate - -	11 & 12 Vict. c. 92. s. 26.
87. Appeal against Amount of Licence Duty -	13 & 14 Vict. c. 88. s. 9.
88. Licences not to confer Rights not otherwise possessed; and not to alter Rights of Parties Saving of Remedies against illegal Weirs and Engines.	11 & 12 Vict. c. 92. s. 31.
89. Powers of Water Bailiffs for the Protection of the Fisheries - - - -	5 & 6 Vict. c. 106. s. 84.
90. Justice may grant a Warrant to enter suspected Places - - - -	{ 5 & 6 Vict. c. 106. s. 85. 24 & 25 Vict. c. 109. s. 34.

SEA FISHERIES.

91. Regulations as to Trawl and Drift Nets -	{ 6 & 7 Vict. c. 79. Sched., Art. 24, 25, 26, 60. and 61.
92. The Coasts of Ireland to be divided into Districts for the Purposes of this Act -	5 & 6 Vict. c. 106. s. 15.
93. Fishing Vessels on the Coast of Ireland to be registered and marked, &c. -	5 & 6 Vict. c. 106. s. 16.
94. Close Season for Oysters, 1st of May to 1st of September - - - -	5 & 6 Vict. c. 106. s. 32.
95. Power to make Oyster Beds - - - -	{ 8 & 9 Vict. c. 108. s. 17. 13 & 14 Vict. c. 88. s. 41.
96. Oyster Beds below lowest Water of Spring Tide not to be deemed private Property unless held by Charter or Prescription, or by Permission of Commissioners - -	8 & 9 Vict. c. 108. s. 16.
97. Power to dredge during Part of Close Time for Oysters to supply Beds - -	8 & 9 Vict. c. 108. s. 19.
98. Commissioners to make Byelaws for Improvement of Oyster Fisheries - - -	8 & 9 Vict. c. 108. s. 20.
99. Proprietors of Oyster Beds may appoint Water Bailiffs - - - -	8 & 9 Vict. c. 108. s. 21.

General Provisions.

100. Fishermen, &c. may use Waste Shores for the Purposes of fishing - - -	{ 5 & 6 Vict. c. 106. s. 3.
101. Provisions as to watching for Fish - -	{ 5 & 6 Vict. c. 106. s. 4.
102. Penalty on Persons resisting or obstructing Fishermen in using Waste Shores - -	{ 5 & 6 Vict. c. 106. s. 5.
103. Penalty on Persons assaulting or obstructing any Person fishing in a legal Manner -	5 & 6 Vict. c. 106. s. 28.
104. It shall be lawful for the Inhabitants of the United Kingdom to fish on the Coasts and in the Creeks, Bays, &c. of Ireland, and to use all Ports, Waste Shores, &c. - -	6 & 7 Vict. c. 79. s. 11.
105. Officers and Men of Her Majesty's Cruizers, and Officers and Men of Coast Guard Service, empowered to enforce Provisions of this Act - - - -	59 Geo. 3. c. 109. s. 38.
Officers and Men of the Coast Guard empowered to act as Constables.	5 & 6 Vict. c. 106. s. 86.
106. Offenders may be apprehended if they refuse to tell their Names - - -	7 & 8 Vict. c. 108. s. 2.
107. Penalty on Persons using Violence - -	5 & 6 Vict. c. 106. s. 87.
[47.]	5 & 6 Vict. c. 106. s. 88.

*Water Bailiffs.*Corresponding Clauses in
former Acts.

Section.

108. Proprietors of Fisheries in Rivers or on the Coast empowered to appoint Water Bailiffs to protect the Fisheries of the River or Lake in which they shall be interested -	5 & 6 Vict. c. 106. s. 82.
109. Water Bailiffs - - -	5 & 6 Vict. c. 106. s. 83.
110. Penalty on opposing or assaulting Commissioners, Conservators, &c., or Persons authorized by them, in execution of this Act -	5 & 6 Vict. c. 106. s. 90.

LEGAL PROCEEDINGS.

111. Recovery of Penalties - - -	24 & 25 Vict. c. 109. s. 35. 11 & 12 Vict. c. 92. s. 35. 11 & 12 Vict. c. 92. s. 35. 21 & 21 Vict. c. 100. s. 28.
112. Appeal from Convictions to Quarter Sessions	5 & 6 Vict. c. 106. s. 99.
113. Appeal against Dismissal - - -	5 & 6 Vict. c. 106. s. 100.
114. Illegal Nets shall be brought before Magistrates at Petty Sessions, and destroyed; and legal Nets, when used illegally, shall, upon being forfeited, be sold - - -	5 & 6 Vict. c. 106. s. 103. 1 Geo. 1. stat. 2. c. 18. ss. 6 and 14. 18 Geo. 3. c. 33. s. 4.
115. Persons unlawfully erecting or keeping up a Weir on a River after Notice forfeit 50 <i>l.</i> , with Costs of Suit. If continued seven days after Judgment any Person may prostrate it	26 Geo. 3. c. 50. (I.) ss. 8. and 9.
116. Penalties for erecting or re-erecting Weirs after Conviction - - -	13 & 14 Vict. c. 88. s. 17.
117. Courts may award Costs - - -	13 & 14 Vict. c. 88. s. 54.
118. Offences on Rivers may be tried in County on either Side - - -	24 & 25 Vict. c. 109. s. 36.
119. Offences committed on Sea Coast where to be tried - - -	24 & 25 Vict. c. 109. s. 37.
120. Saving Clause for dredging - - -	24 & 25 Vict. c. 109. s. 38.
121. Justices of the Peace, being Conservators, not disqualified from sitting at the Trial of Offences against this Act - - -	13 & 14 Vict. c. 88. s. 11.
122. Nothing to affect or impair Jurisdiction of Admiralty and other Courts - - -	13 & 14 Vict. c. 88. s. 19.

18 March 1862. 25 VICT.



A

B I L L

TO

Assimilate the Law of Ireland as to Sea-coast and Inland Fisheries to that of England.

WHEREAS it is expedient to amend the Laws relating to Fisheries of Ireland, and to assimilate the same so far as need be to the Laws of England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Fishery Short Title.
10 (Ireland) Act, 1862."

2. This Act shall not come into operation until the *First Day* of Commence
October One thousand eight hundred and sixty-two. ment of Act.

3. From and after the *Commencement of this Act* there shall be Repeal of
repealed the several Acts herein-after mentioned; (that is to say,) Statutes:
15 An Act passed in the Sixth Year of the Reign of Her Majesty, 5 & 6 Vict.
Chapter One hundred and six, intituled "An Act to regulate the c. 106.
"Irish Fisheries:"
[Bill 47.] A An

- 7 & 8 Vict.
c. 108. An Act passed in the Eighth Year of Her Majesty, Chapter One
hundred and eight, intituled "An Act to amend an Act of the
" Sixth Year of Her present Majesty, intituled 'An Act to
" 'regulate the Irish Fisheries,' and to empower the Constabulary
" Force to enforce certain Provisions respecting the Irish 5
" Fisheries :"
- 8 & 9 Vict.
c. 108. An Act passed in the Ninth Year of Her Majesty, Chapter One
hundred and eight, intituled "An Act for the further Amendment
" of an Act of the Sixth Year of Her present Majesty, for regu- 10
" lating the Irish Fisheries :"
- 9 & 10 Vict.
c. 114. An Act passed in the Tenth Year of Her Majesty, Chapter One
hundred and fourteen, intituled "An Act for the further Amend-
" ment of an Act of the Sixth Year of Her present Majesty, for
" regulating the Irish Fisheries :"
- 11 & 12 Vict.
c. 92. An Act passed in the Twelfth Year of Her Majesty, Chapter 15
Ninety-two, intituled "An Act for the Protection and Improve-
" ment of the Salmon, Trout, and other Inland Fisheries of
" Ireland :"
- 13 & 14 Vict.
c. 88. And also an Act passed in the Fourteenth Year of Her Majesty,
Chapter Eighty-eight, intituled "An Act to amend the Law 20
" relating to Engines used in the Rivers and on the Sea Coast of
" Ireland for the taking of Fish :"
- See 24 & 25
Vict. c. 109.
s. 39. Provided that such Repeal shall not affect—
1. Any Security duly given before this Act comes into operation :
 2. Anything duly done before this Act comes into operation : 25
 3. Any Liability accruing before this Act comes into operation :
 4. Any Penalty, Forfeiture, or other Punishment incurred or to be
incurred in respect of any Offence committed before this Act
comes into operation :
 5. The Institution of any legal Proceeding or any other Remedy 30
for ascertaining, enforcing, or recovering any such Liability,
Penalty, Forfeiture, or Punishment as aforesaid.
- Definition of
Terms.
24 & 25 Vict.
c. 109. s. 4. 4. In this Act, unless there is something inconsistent in the
Context, the Words and Expressions herein-after mentioned shall
have respectively the Meanings hereby assigned to them; (that is 35
to say,)
- "Person" shall include any Body of Persons, corporate or unin-
corporate :
- "Salmon" shall include all migratory Fish of the Genus Salmon,
whether known by the Names herein-after mentioned, that is to 40
say, Salmon, Grilse, Peal, Sea Trout, White Trout, Fry, Samlet,
Smoult, Parr, Sprats, Jenkin, Spawn, Gravelling, or by any other
local Name :

"Young

- “ Young of Salmon ” shall include all Young of the Salmon Species, whether known by the Names of Fry, Samlet, Smolt, Par, Spawn, Jenkin, Gravelling, or by any other Name, local or otherwise :
- 5 “ Tidal Waters ” shall include the Sea, and all Rivers, Creeks, Streams, and other Water as far as the Tide flows and reflows :
- “ Inland Waters ” shall mean all Waters that are not tidal Waters :
- “ Dam ” shall include all Weirs and other fixed Obstructions used for the Purpose of damming up Water :
- 10 “ Fishing Weir ” shall mean a Dam used for the exclusive Purpose of catching or facilitating the catching of Fish :
- “ Fishing Mill Dam ” shall mean a Dam used or intended to be used partly for the Purpose of catching or facilitating the catching of Fish, and partly for the Purpose of supplying Water for Milling or other Purposes :
- 15 “ Fixed Engine ” shall include Stake Nets, Bag Nets, and all fixed Implements or Engines for catching or for facilitating the catching of Fish :
- “ The Commissioners ” shall mean the Commissioners appointed for carrying this Act into execution.
- 20

Central Authority.

5. The Commissioners for the Execution of this Act shall consist of the following Persons, viz., the Commissioners of Public Works in Ireland for the Time being, together with the existing Inspecting Commissioner of Fisheries; and the general Superintendence of the Salmon Fisheries throughout Ireland shall be vested in them; and all Inspectors, Clerks, and other Officers now employed by the said Commissioners of Public Works in the Execution of the Acts hereby repealed shall continue in their respective Employments and Offices
- 30 under this Act: Provided always, that it shall be lawful for the Commissioners of Her Majesty Treasury to remove the Commissioners or any Inspector, Clerk, or other Officer, or any One or more of them, and to appoint another or others in the Room of the Person or Persons so removed or dying or resigning, and to pay to
- 35 such Commissioners, Inspector, Clerk, or other Officer respectively, out of such Monies as may be provided by Parliament for the Purpose, such Sums by way of annual Salaries as the Commissioners of Her Majesty's Treasury shall think fit; and the Commissioners shall have equal and co-ordinate Powers, Authorities, and Privileges,
- 40 so far as regards the carrying into execution the Provisions of this Act; and all such Powers, Authorities, and Privileges shall and may be exercised by any One or more of them.

Commissioners for Execution of Act.
11 & 12 Vict.
c. 92. s. 1.

Treasury may remove Commissioners, &c.
11 & 12 Vict.
c. 92. s. 2.

Commis-
sioners, In-
spectors, &c.
empowered
to enforce
Provisions
of this Act.
5 & 6 Vict.
c. 106. s. 89.

6. It shall be lawful for the Commissioners, or any Inspector or other Officer appointed by them for the Purposes of this Act, or any Conservator appointed as herein-after mentioned, to use and exercise all and every the Powers and Authorities for enforcing the Provisions of this Act conferred by this Act upon Water Bailiffs. 5

Commis-
sioners em-
powered to
hold General
Meetings,
summon
Witnesses,
and examine
upon Oath.
5 & 6 Vict.
c. 106. s. 111.

7. It shall be lawful to and for the Commissioners or any Inspector appointed by them to hold General Meetings of Proprietors of and Persons interested in the Fisheries in any District, on giving due Notice by Advertisement or otherwise of the Time and Place when and where such Meetings are appointed to be held, and to in- 10
quire into the State of the said Fisheries in each such District, and the best Means to be adopted for the Regulation, Improvement, or Pro-
tection thereof; and for the more effectual Prosecution of such In-
quiry it shall be lawful for the Commissioners or Inspectors, or any One of them, to issue Summonses requiring the Attendance of such 15
Witnesses as they shall think fit, and to examine on Oath touching any Matter or Thing in any way connected with the Inquiry into the State of the said Fisheries, which Oath the said Commissioners or In-
spectors, or any One of them, are or is hereby authorized and empowered to administer; and all such Witnesses so summoned as aforesaid shall 20
be liable to the same Penalties for neglecting or refusing to attend or to give Evidence before the Commissioners or Inspectors as are provided in the Case of any Person refusing to attend or give Evidence before any Justice or Justices of the Peace.

Commis-
sioners to
report annu-
ally.
5 & 6 Vict.
c. 106. s. 112.

8. The Commissioners shall, on or before the last Day of *March*, 25
in every Year, make a Report to the Lord Lieutenant or other Chief Governor or Governors of Ireland of their Proceedings for the preceding Year, and of the Receipt and Expenditure of any Sums of Money which the said Commissioners shall, under the Provisions of this Act, receive or expend; and such Report shall also contain, 30
as far as may be practicable, a Statistical Account of the said Fisheries, arranged and classified under such different Heads as may appear to the said Commissioners to be most suited and adapted for the Purpose, or as may from Time to Time be directed by the said Lord Lieutenant or other Chief Governor or Governors; and a Copy of every such 35
Report shall be laid before each House of Parliament if then sitting.

Copy of
Report to be
laid before
Parliament.

INLAND FISHERIES.

Prohibition of certain Modes of destroying Fish.

Penalty on
mixing
poisonous

9. Every Person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any Waters containing Salmon, 40
or

or into any Tributaries thereof, any liquid or solid Matter to such an Extent as to cause the Waters to poison or kill Fish, shall incur the following Penalties; (that is to say,)

Substances
in Rivers.
24 & 25 Vict.
c. 109. s. 5

- (1.) Upon the First Conviction a Penalty not exceeding *Five Pounds* :
- (2.) Upon the Second Conviction a Penalty not exceeding *Ten Pounds*, and a further Penalty not exceeding *Two Pounds* for every Day during which such Offence is continued :
- (3.) Upon the Third or any subsequent Conviction, a Penalty not exceeding *Twenty Pounds* a Day for every Day during which such Offence is continued, commencing from the Date of the Third Conviction :

But no Person shall be subject to the foregoing Penalties for any Act done in the Exercise of any Right to which he is by Law entitled, if he prove to the Satisfaction of the Court before whom he is tried that he has used the best practicable Means, within a reasonable Cost, to render harmless the liquid or solid Matter so permitted to flow or to be put into Waters; but nothing herein contained shall prevent any Person from acquiring a legal Right in Cases where he would have acquired it if this Act had not passed, or except any Person from any Punishment to which he would otherwise be subject, or legalize any Act or Default that would but for this Act be deemed to be a Nuisance or otherwise be contrary to Law.

10. Where any Proceedings are instituted by any Complainant against any Person for the Recovery of any Penalties alleged to have been incurred by him under the last preceding Section, such Person, herein-after referred to as "the Defendant," on appearing before the Justices constituting the Court by which he is to be tried in pursuance of this Act, alleges, by way of Defence, that he has used the best practicable Means, within a reasonable Cost, to render such Matter harmless, and proves to the Satisfaction of the Court that in the event of the Complaint being decided against him the Expense of permanently preventing the Matter complained of would, exclusive of Costs, exceed *One hundred Pounds*, and gives Security, to be approved by such Court, duly to prosecute his Appeal and to abide the Event thereof, all Proceedings before the Justices shall be stayed, and it shall be lawful for such Complainant to bring an Action in One of Her Majesty's Superior Courts of Law against the Defendant; and the Plaintiff in such Action shall deliver to the Defendant an Issue or Issues whereby the Question whether he has used the best practicable Means, within a reasonable Cost, to render such Matter harmless may be tried; and the Form of such Issue or Issues, in case of Dispute, or in the Case of Nonappearance of the Defendant, shall be settled

Power to
have Ques-
tion under
preceding
citation de-
Jury.
24 & 25 Vict.
c. 109. s. 6.

by the Court in which the Action is brought, and such Action shall be prosecuted and Issue or Issues tried in the same Manner and subject to the same Incidents in and subject to which Actions are prosecuted and Issues tried in other Cases within the Jurisdiction of such Court, or as near thereto as Circumstances admit.

5

Effect of
Issue.

24 & 25 Vict.
c. 109. s. 7.

11. The Verdict of the Jury on such Issue shall, unless the Court before which the same is tried orders a new Trial, be conclusive as to the Questions involved in any subsequent Proceedings that may be had for the Recovery of any Penalties in pursuance of the said Section, and any Costs that may have been incurred before the Justices by the Parties to such Action as is mentioned in this Section shall be deemed to be Costs incurred in such Action, and be payable accordingly.

10

Penalty on
fishing with
Lights,
Spears, &c.
24 & 25 Vict.
c. 109. s. 8.

12. No Person shall do the following Things or any of them; that is to say,

15

- (1.) Use any Light for the Purpose of catching Salmon:
- (2.) Use any Spear, Gaff, Strokehall, Snatch, or other like Instrument for catching Salmon:
- (3.) Have in his Possession a Light or any of the foregoing Instruments under such Circumstances as to satisfy the Court before whom he is tried that he intended at the Time to catch Salmon by means of the same:

20

And any Person acting in contravention of this Section shall incur a Penalty not less than *Four Pounds* nor exceeding *Ten Pounds*, and shall forfeit any Instruments used by him or found in his Possession in contravention of this Section; but this Section shall not apply to any Person using a Gaff as auxiliary to angling with a Rod and Line.

25

Penalty on
using Roe
as a Bait.
24 & 25 Vict.
c. 109. s. 9.

13. No Person shall do the following Things or any of them; that is to say,

30

- (1.) Use any Fish Roe for the Purpose of fishing:
- (2.) Buy, sell, or expose for Sale, or have in his Possession, any Salmon Roe:

And any Person acting in contravention of this Section shall for each Offence incur a Penalty not exceeding *Two Pounds*, and shall forfeit all Salmon Roe found in his Possession; but this Section shall not apply to any Person who uses or has in his Possession Salmon Roe for artificial Propagation or other scientific Purposes, or gives any Reason satisfactory to the Court by whom he is tried for having the same in his Possession.

40

14. No

14. No Person shall take or attempt to take Salmon with any Net having a Mesh of less Dimensions than Two Inches in extension from Knot to Knot (the Measurement to be made on each Side of the Square), or Eight Inches measured round each Mesh when wet ; and any Person acting in contravention of this Section shall forfeit all Nets and Tackle used by him in so doing, and shall for each Offence incur a Penalty not exceeding *Five Pounds* and a Forfeiture of such Net ; and the placing Two or more Nets behind or near to each other in such Manner as to practically diminish the Mesh of the Nets used, or the covering the Nets used with Canvas, or the using any other Artifice so as to evade the Provisions of this Section with respect to the Mesh of Nets, shall be deemed to be an Act in contravention of this Section.

Penalty on using certain Nets.
24 & 25 Vict.
c. 109. s. 10.

15. No fixed Engine of any Description shall be placed or used for catching Salmon in any inland or tidal Waters ; and any Engine placed or used in contravention of this Section may be taken possession of or destroyed ; and any Engine so placed or used, and any Salmon taken by such Engine, shall be forfeited, and, in addition thereto, the Owner of an Engine placed or used in contravention of this Section shall, for each Day of so placing or using the same, incur a Penalty not exceeding *Ten Pounds* ; and for the Purposes of this Section a Net that is secured by Anchors, or otherwise temporarily fixed to the Soil or made stationary in any other Way, shall be deemed to be a fixed Engine, but this Section shall not affect any ancient Right or Mode of Fishing as lawfully exercised at the Time of the passing of this Act by any Person by virtue of any Grant or Charter or immemorial Usage : Provided always, that nothing in this Section contained shall be deemed to apply to Fishing Weirs or Fishing Mill Dams.

Penalty on placing or fixing fixed Engines.
24 & 25 Vict.
c. 109. s. 11.

Saving Rights under Grant, Charter, or immemorial Usage.

16. The following Regulations shall be observed with respect to Dams :

Penalty on using certain Dams for catching Salmon.
24 & 25 Vict.
c. 109. s. 12.

(1.) No Dam except such Fishing Weirs and Fishing Mill Dams as are lawfully in use at the Time of the passing of this Act, by virtue of a Grant or Charter or immemorial Usage, shall be used for the Purpose of catching or facilitating the catching of Salmon :

1. Any Person catching or attempting to catch Salmon in contravention of this Section shall incur a Penalty not exceeding *Five Pounds* for each Offence, and a further Penalty not exceeding *One Pound* for each Salmon which he catches :

2. All Traps, Nets, and Contrivances used in or in connexion with the Dam for the Purpose of catching Salmon shall be forfeited :

3. All Salmon caught in contravention of the above Prohibition shall be forfeited :

And no Fishing Weir, although lawfully in use as aforesaid, shall be used for the Purposes of catching Salmon unless it have therein such Free Gap as is herein-after mentioned ; and no Fishing Mill Dam, 5 although lawfully in use as aforesaid, shall be used for the Purposes of catching Salmon unless it have attached thereto a Fish Pass of such Form and Dimensions as shall be approved of by the Commissioners, nor unless such Fish Pass has constantly running through it such a Flow of Water as will enable Salmon to pass up and down 10 such Pass, but so nevertheless that such Pass shall not be larger nor deeper than requisite for the above Purposes :

- (2.) No Person shall catch or attempt to catch, except by Rod and Line, any Salmon in the Head Race or Tail Race of any Mill, or within Two hundred Yards below any Dam, unless such 15 Mill or Dam has attached thereto a Fish Pass of such Form and Dimensions as may be approved by the Commissioners, and such Fish Pass has constantly running through it such a Flow of Water as will enable Salmon to pass up and down it ; and if any Person acts in contravention of the foregoing 20 Provisions,

1. He shall incur a Penalty not less than *Five* and not exceeding *Ten Pounds* for each Offence, and a further Penalty not less than *One Pound* for every Salmon so caught :
2. He shall forfeit all Salmon caught in contravention of 25 this Section, and all Nets or other Instruments used or placed for catching the same.

Penalty on
Company or
Person not
erecting
Gratings to
prevent the
Descent of
Salmon into
Artificial
Streams.
24 & 25 Vict.
c. 109. s. 13.

17. Where Salmon or the Young of Salmon are led aside out of a Main Stream by means of any artificial Channel used for the Purpose of supplying Towns with Water, or for supplying 30 any navigable Canal, or any Mill or Factory, or for Irrigation, the Company or Persons having the Control over such artificial Channel shall, within *Six* Months after the Commencement of this Act, put up and shall maintain, at their own Costs and Charges, a Grating or Gratings across such Channel, for the Purpose of preventing the 35 Descent of the Salmon or the Young of Salmon, and such Grating or Gratings shall be placed in such Form and Manner as may be approved by the Commissioners in this Act mentioned ; and any Company or Persons failing to put a Grating or Gratings in Cases where they are required to do so by this Section shall incur a Penalty 40 not exceeding *Five Pounds* for every Day after the Expiration of such Period of *Six* Months during which he fails to comply with the Provisions of this Section ; and any such Company or Person failing so to maintain the same shall incur a Penalty not exceeding *One Pound*

Pound for every Day during which such Failure continues: Provided always, that no such Grating shall be so placed as to interfere with the Passage of Boats on any navigable Canal, or be injurious to the effective working of any Mill or Factory.

5 *Prohibition of the Destruction of unseasonable Fish.*

18. No Person shall do any of the following Things; that is to say, Penalty on taking unclean Fish.
24 & 25 Vict.
c. 109. s. 14.

- (1.) Wilfully take any unclean or unseasonable Salmon;
 - (2.) Buy, sell, or expose for Sale, or have in his Possession, any
- 10 unclean or unseasonable Salmon, or any Part thereof:

And any Person acting in contravention of this Section shall incur the following Penalties; that is to say,

- (1.) He shall forfeit any Fish taken, bought, sold, or exposed for Sale, or in his Possession;
- 15 (2.) He shall incur a Penalty not exceeding Five Pounds in respect of each Fish taken, sold, or exposed for Sale, or in his Possession:

But this Section shall not apply—

- (1.) To any Person who takes such Fish accidentally, and forth- with returns the same to the Water with the least possible Injury:
- 20 (2.) To any Person who takes or is in possession of such Fish for artificial Propagation or other scientific Purposes.

19. No Person shall do the following Things or any of them; that is to say, Penalty on taking the Young of Salmon.
24 & 25 Vict.
c. 109. s. 15.

- (1.) Wilfully take or destroy the Young of Salmon;
- (2.) Buy, sell, or expose for Sale, or have in his Possession, the Young of Salmon;
- 30 (3.) Place any Device for the Purpose of obstructing the Passage of the Young of Salmon;
- (4.) Wilfully injure the Young of Salmon;
- (5.) Wilfully disturb any Spawning Bed, or any Bank or Shallow on which the Spawn of Salmon may be:

And any Person acting in contravention of this Section shall incur the following Penalties; that is to say,

- (1.) He shall forfeit all the Young of Salmon found in his Possession;
- (2.) He shall forfeit all Rods, Lines, Nets, Devices, and Instruments used in committing any of the above Offences;

[47.]

B

(3.) He

(3.) He shall for each Offence pay a Penalty not exceeding *Five Pounds* :

But nothing herein contained shall apply to any Person who may have obtained such Young of Salmon for artificial Propagation or other scientific Purposes, and nothing herein contained shall pre- 5
judice the legal Right of any Owner to take Materials from any Stream.

Penalty on
disturbing
Fish when
spawning.
24 & 25 Vict.
c. 109. s. 16.

20. If any Person wilfully disturbs or attempts to catch Salmon when spawning, or when on or near their Spawning Beds, he shall for each Offence incur a Penalty not exceeding *Five Pounds*; but 10
this Section shall not apply to any Person who with the written Consent of the Commissioners may catch or attempt to catch Salmon for the Purposes of artificial Propagation or other scientific Purposes.

Restrictions as to Times of Fishing.

15

Close Time.
24 & 25 Vict.
c. 109. s. 17.

21. No Person shall fish for, catch, or attempt to catch, or kill Salmon between the Days herein-after mentioned (which Interval is herein referred to as the Close Season); that is to say, between the *Thirtieth Day of September* and the *First Day of January* following, except only that it shall be lawful to fish with a Rod 20
and Line between the *First* and the *Fifteenth Days of October*, both inclusive; and any Person acting in contravention of this Section shall forfeit any Salmon caught by him, and shall in addition thereto incur a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Two Pounds* in respect of each Salmon so caught: 25
Provided always, that the Close Seasons now in force in the different Districts shall continue in force unless and until the same shall be changed by the Commissioners pursuant to the Provisions of this Act; and provided also, that the Penalties hereby imposed for the Purpose of prohibiting the killing of Fish during the Close Season 30
shall apply to the said Close Seasons respectively.

Commis-
sioners em-
powered to
alter the
Close Season
in any River
or District
upon Inquiry
had and
Proof that
such Altera-
tion is
expedient.

22. It shall be lawful for the Commissioners, if they shall so think fit, upon the Application of any Person possessed of or interested in any Fishery, to call a Meeting of the Persons possessed of or interested in any Fishery, giving Notice of the Day and Place ap- 35
pointed for such Meeting, not less than *Fourteen* Days from the Date of such Notice, by printed Handbills and Advertisement to be inserted in some Newspaper or Newspapers circulating in the County or Counties within which or on the Coast whereof such Fishery is in whole or in part situated; and it shall be lawful for 40
the

the Commissioners, or any Inspector appointed by them, to issue Summons for Witnesses to attend and give Evidence with respect to such Fishery; and the Commissioners, or any One of them or any Inspector of Fisheries appointed by them, shall hear and receive all such pertinent Evidence as shall be offered to them on the Subject of such Fishery, and shall examine and inquire into the same upon Oath, which they or he are or is hereby empowered to administer, or otherwise, and by all such Means as may be deemed expedient by them or him; and the Commissioners may, if they shall so think fit, decide that the Period appointed for the Close Time of such Fishery in any Locality, or with respect to any River, or Part of any River, respectively shall cease, and that such other Period as shall be fixed upon by them as the Close Time for any such Fishery as aforesaid or any Part thereof, shall be kept and observed in lieu thereof, or alter, if so required as aforesaid, the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of any Weirs whatever, or make use of fixed Engines for taking Eels.

5 & 6 Vict.
c. 106. s. 103.
7 & 8 Vict.
c. 108. s. 4.
and 11 & 12
Vict. c. 92.
s. 39.

23. The Decision as to the Close Time of any District, or of any Lake or River, shall be published in the Dublin Gazette and in some Newspaper circulating in the County or Counties within which such District is in whole or in part situated, or such Lake or River is situate, or in whole or in part flows, and a Copy thereof lodged in the Office or Offices of the Clerk or Clerks of the Peace for each County in which it is proposed such Decision shall take effect, and with the Clerks of Petty Sessions for each District in which it is proposed such Decision shall take effect; and the Commissioners shall give to said Decision such further Publicity, either by the posting of Handbills or otherwise, as to them shall seem fit; and for the Purpose of convicting any Person or Persons offending against such Decision a Copy of the Gazette containing such Decision, or a certified Copy of such Decision obtained from the Office of the Clerk of the Peace with whom the same may be lodged, and who is hereby required to furnish the same on Payment of a Sum not exceeding *Sixpence*, shall be conclusive Evidence of the Existence of such Decision and the due Publication thereof: Provided always, that in case the Commissioners shall decide upon altering the Close Season herein fixed for such Fisheries as aforesaid, such Change or Alteration shall not commence and take Effect until the Expiration of *Six Weeks* from the Date of the Publication of said Decision in the Dublin Gazette.

Decision of
Commissioners as to
Close Season
shall be published.
5 & 6 Vict.
c. 106. s. 34.

24. The Close Time so fixed shall be the Annual Close Time of the District or of the Lake or River in respect of which such Decision shall

Close Season
thus determined to

continue for
Three Years,
and untillike
Proceedings
for Altera-
tion shall
be again had.
5 & 6 Vict.
c. 106. s. 35.

shall have been made, instead of the Time mentioned in this Act, and shall be observed and kept as if the Time so determined by the Commissioners had been mentioned in this Act, and shall thereafter continue so to be until changed by the Commissioners; and at any Time after the Expiration of *Three* Years from the Commencement thereof, or at any Time after the Expiration of a like Period of *Three* Years from the Commencement of any subsequent Change to be made in pursuance of the Provisions of this Act, it shall and may be lawful for the Commissioners, upon the like Application, and if upon like Inquiry they shall so think fit, again to change the same; and the same Proceedings towards the so doing as are herein-before prescribed in relation to the First Change shall take place on each such future Change, and the same Provisions shall apply thereto.

Penalty on
selling Fish
during Close
Time.
24 & 25 Vict.
c. 109. s. 19.

25. No Person shall buy, sell, or expose for Sale, or have in his Possession, any Salmon or Part thereof during the Close Season fixed by this Act, or which may be hereafter fixed by the Commissioners; and any Person acting in contravention of this Act shall forfeit any Fish so bought, sold, or exposed for Sale, or in his Possession, and shall incur a Penalty not exceeding *Two Pounds* for each such Fish; but this Section shall not apply to any Person buying, selling, or exposing for Sale, or having in his Possession Salmon cured, pickled, or dried, or any fresh Salmon caught beyond the Limits of this Act; nevertheless the Burden of proving any fresh Salmon that is sold, or exposed, or in the Possession of any Person during the said Close Season to have been caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale, or having the same in his Possession; but this Section shall not apply to any Person who with the written Consent of the Commissioners may have in his Possession any Salmon for the Purposes of artificial Propagation or other scientific Purposes.

Removal
of fixed
Engines
during Close
Time.
24 & 25 Vict.
c. 109. s. 20.

26. The Proprietor or Occupier of every Fishery for Salmon shall, within *Thirty-six* Hours after the Commencement of the Close Season, cause to be removed and carried away from the Waters within his Fishery the Incales, Hecks, Tops, and Rails of all Cruives, Boxes, or Cribs, and all Planks and temporary Fixtures used for taking or killing Salmon, and all other Obstructions to the free Passage of Fish in or through the Cruives, Cribs, and Boxes within his Fishery, and also all Nets used for the taking of Salmon, and shall not again place or allow the same to be placed therein until within *Thirty-six* Hours of the Commencement of the open Season; and if any Proprietor or Occupier omits to remove and carry away in manner aforesaid any Things hereby required to be removed and carried

5 & 6 Vict.
c. 106. s. 37.

carried away, or places or allows the same to be placed therein within the Time herein specified, he shall incur the following Penalties ; (that is to say,)

(1.) He shall forfeit all such Engines and other Things :

- 5 (2.) He shall, for every Day during which he suffers such Things to remain during the Period hereby prohibited, pay a Sum not less than *Ten* and not exceeding *Fifty Pounds*.

- 10 27. No Person shall fish for, catch, or kill by any Means other than a Rod and Line, any Salmon between the Hour of Twelve of the Clock at Noon on Saturday and the Hour of Six of the Clock on Monday Morning ; and any Person acting in contra-
vention of this Section shall forfeit all Fish taken by him, and any Net or moveable Instrument used by him in taking the same, and in addition thereto shall incur a Penalty not less than *Ten* and not
15 exceeding *Fifty Pounds*, and a further Penalty not exceeding *One Pound* in respect of each Fish so taken between Twelve of the Clock at Noon on Saturday and Six of the Clock on Monday Morning.

Weekly
Close Time.
24 & 25 Vict.
c. 109. s. 21.

- 20 28. The Proprietor or Occupier of every Fishery shall, between Twelve of the Clock at Noon on Saturday and Six of the Clock on the Monday Morning following, maintain a clear Opening, of not less than *Four Feet* in Width from the Bottom to the Top, through all Cribs, Boxes, or Cruives used for taking Salmon within his Fishery, so that a free Space of that Width is effectually secured for the Passage of Fish up and down through each Box, Crib, or
25 Cruive, whether used for the Purpose of fishing or not ; and shall, for the Purpose of maintaining such Opening, remove the Incales and Rails of all such Boxes, Cribs, or Cruives ; and any Person acting in contravention of this Section shall incur the following Penalties :

A free
Passage to be
left through
Cribs or
Traps during
Weekly
Close Time.
24 & 25 Vict.
c. 109. s. 22.

- 30 (1.) He shall for each Offence pay a Sum not less than *Ten* and not exceeding *Fifty Pounds*, and a further Penalty not exceeding *One Pound* for each Fish so taken :

(2.) He shall forfeit every Fish caught in contravention of this Section :

- 35 Provided always, that nothing contained in this or the Two preceding Sections shall be construed to render liable to any Penalty any Person who shall be able satisfactorily to prove that he was prevented by Floods, Storm, or Stress of Weather from removing such Engines or other Things or making such Openings as aforesaid, during the
40 Continuance of such Prevention, but no longer.

Fish Passes.

Commissioners may attach Fish Passes to existing Dams. 24 & 25 Vict. c. 109. s. 23.

29. The Commissioners may, on the written Application of any Person interested in the Fishery of any River, and at the proper Costs and Charges of such Person, attach to every Dam existing at the Time of the passing of this Act, or to any natural Obstruction 5 in any River, a Fish Pass, of such Form and Dimensions as they may approve, so that no Injury be done to the Milling Power or to the Supply of Water to or of any navigable River, Canal, or other Inland Navigation by such Fish Pass; and any Person obstructing any Person legally authorized in erecting or doing any 10 necessary Act to erect or maintain such Fish Pass shall incur a Penalty not exceeding *Ten Pounds* for each Act of Obstruction; and any Person injuring such Fish Pass shall pay the Expense of repairing the Injury, such Expense to be recovered in a summary Manner, and, in addition thereto, if such Injury is wilful, shall incur 15 a Penalty not exceeding *Five Pounds*; and any Person doing any Act for the Purpose of preventing Salmon from passing through a Fish Pass, or taking any Salmon in its Passage through the same, shall incur a Penalty not exceeding *Five Pounds* for a First Offence, and not exceeding *Ten Pounds* for each subsequent 20 Offence, and shall forfeit any Salmon taken by him in contravention of this Section, and any Instrument used by him in taking the same.

Notice required before Commissioners give Consent. 24 & 25 Vict. c. 109. s. 24.

30. The Commissioners shall not give their Consent to the Attachment of a Fish Pass to any Dam or natural Obstruction in any 25 River, in pursuance of the last preceding Section, unless it is proved to the Satisfaction of the Commissioners that Notice has been served on the Owner of such Dam of the Intention to apply for such Consent, and that he has at the same Time been furnished with Plan and Specification of the Fish Pass which is proposed to be erected, a 30 reasonable Time before such Application; and it shall be lawful for such Owner to urge any Objections he may think fit to the Commissioners against their giving their Consent, and they shall take any Objections so made into consideration before they give their Consent to the Attachment of the Fish Pass. 35.

Fish Passes to be attached to future Dams. 24 & 25 Vict. c. 109. s. 25.

31. Every Person who, after the *passing of this Act*, in Waters where Salmon are found, constructs a new Dam, or raises or alters, so as to create increased Obstruction to Fish, a Dam already constructed, shall attach and maintain attached thereto in an efficient State a Fish 40 Pass of such Form and Dimensions as may be determined by the Commissioners,

Commissioners, and if he do not, such Person shall incur a Penalty not less than *Five* and not exceeding *Fifty Pounds*; and it shall be lawful for the Commissioners to cause to be done any Work by this Section required to be done by such Person, and to recover
 5 the Expense of doing the same in a summary Manner from the Person in default; but this Section shall not authorize anything to be done which may injuriously affect any navigable River, Canal, or Inland Navigation, nor shall anything in this or the last preceding Section prevent any Person from removing a Fish Pass for the
 10 Purpose of repairing or altering a Dam, so that within a reasonable Time he restore such Fish Pass in as an efficient a State as it was before he removed the same.

32. Where a Fish Pass is attached to any Dam in pursuance of this Act, the Sluices, if any, for drawing off the Water which would
 15 otherwise flow over the Dam shall be kept shut at all Times when the Water is not required for Milling Purposes in such Manner as to cause such Water to flow through the Fish Pass; and any Person making Default in complying with the Requisitions of this Section shall incur a Penalty not exceeding *Five Shillings* per Hour for every Hour
 20 during which such Default continues; but this Section shall not preclude any Person from opening a Sluice for the Purpose of letting off Water in Cases of Flood, or for Milling Purposes, or when necessary for the Purposes of Navigation, or for cleaning or repairing any Dam or Mill or the Appurtenances thereof.

Supply of
Water to
Fish Passes.
24 & 25 Vict.
c. 109, s. 26.

25 *Restrictions as to Fishing Weirs.*

33. Where any Fishing Weir extends more than halfway across any Stream at its lowest State of Water, it shall have a Free Gap or Opening in accordance with the Regulations following, under the Powers of this Act; that is to say,
 30 (1.) The Free Gap shall be situate in the deepest Part of the Stream between the Points where it is intercepted by the Weir:
 (2.) The Sides of the Gap shall be in a Line with and parallel to the Direction of the Stream at the Weir:
 35 (3.) The Bottom of the Gap shall be level with the natural Bed of the Stream above and below the Gap:
 (4.) The Width of the Gap in its narrowest Part shall be not less than One Tenth Part of the Width of the Stream: Provided
 40 always, that such Gap shall not be required to be wider than Forty Feet, and shall not in any Case be narrower than Three Feet.

Construction
of Free Gaps.
24 & 25 Vict.
c. 109, s. 27.

Enforcing
Free Gaps
in Fishing
Weirs.

24 & 25 Vict.
c. 109, s. 28.

34. The following Rules shall be observed for the Purpose of enforcing efficient Free Gaps in Fishing Weirs; that is to say,

- (1.) Where a Weir is without a legal Free Gap at the Time of the Commencement of this Act the Owner of such Weir shall within *Twelve* Months after the Commencement of this Act 5 make such a Gap, and if he does not he shall incur a Penalty not less than *Five* and not exceeding *Fifty Pounds* for every Day after the Expiration of such Period of *Twelve* Months during which he does not make such Gap :
- (2.) Where a Free Gap has been made in a Weir, but the same is 10 not maintained in accordance with this Act, the Owner of such Weir shall incur a Penalty not exceeding *Five Pounds* a Day for each Day he is in default :
- (3.) No Alteration shall be made in the Bed of any River in such Manner as to reduce the Flow of Water through a Free Gap ; 15 if it is, the Person making the same shall incur a Penalty not less than *Five* and not exceeding *Fifty Pounds*, and a further Penalty of *One Pound* a Day until he restores the Bed of the River to its original State :
- (4.) No Person shall place any Obstruction, use any Contrivance, 20 or do any Act whereby Fish may be scared, deterred, or in any way prevented from freely entering and passing up and down a Free Gap at all Periods of the Year ; and any Person placing any Obstruction, using any Contrivance, or doing any Act in contravention of the Regulation lastly herein-before 25 contained shall incur a Penalty not less than *Five* and not exceeding *Twenty Pounds* for the First Offence, and not less than *Ten* and not exceeding *Fifty Pounds* for each subsequent Offence ; but this last Regulation shall not apply to a temporary Bridge or Board used for crossing the Free Gap, 30 and taken away immediately when a Person has crossed the same.

Construction
of Boxes
and Cribs
in Fishing
Weirs and
Fishing Mill
Dams.

24 & 25 Vict.
c. 109, s. 29.

35. The following Rules shall be observed in relation to the Construction of Boxes and Cribs in Fishing Weirs and Fishing Mill Dams; that is to say,

- (1.) The upper Surface of the Sill shall be level with the Bed of the River : 35
- (2.) The Bars or Incales of the Heck or Upstream Side of the Box or Crib shall not be nearer each other than *Two Inches*, and shall be capable of being removed, and shall be placed 40 perpendicularly :

And the Owner of any Fishing Weir or Fishing Mill Dam that has attached thereto any Box or Crib in contravention of this Act shall bring

bring the same into conformity with this Act within *Six Months* after the Commencement of this Act; and he shall incur a Penalty not less than *Five* and not exceeding *Twenty Pounds* for every Day after the Expiration of such Period of *Six Months* during which he
 5 fails to comply with the Provisions of this Section; and any Owner failing so to maintain the same shall incur a Penalty not less than *One Pound* and not exceeding *Five Pounds* for every Day during which such Failure continues.

36. There shall not be attached to any Box or Crib in any
 10 Fishing Weir or Fishing Mill Dam any Spur or Tail Wall, Leader, or Outrigger of a greater Length than Twenty Feet from the upper or lower Side of such Box or Crib; and if any Box or Crib in any Fishing Weir or Fishing Mill Dam has any Walls, Leaders, or Out-
 15 riggers in contravention of this Section, the Owner of the Weir or Fishing Mill Dam shall incur a Penalty not less than *Five Pounds* for every Day during the Continuance thereof: Provided always, that in Cases of Dispute relative to any of the Matters mentioned in this and the Three last preceding Sections the same shall be deter-
 mined by the Commissioners.

Construction of Spur Walls in Fishing Weirs or Fishing Mill Dams.
 24 & 25 Vict. c. 109. s. 29.

37. No Person shall use or set any Stop Nets, Still Nets, or
 Standing Nets, fixed upon Posts or otherwise in Rivers where
 Salmon pass up from the Sea, and if any Person shall be convicted in
 a summary Manner of using or setting any such Stop Nets, Still Nets,
 or Standing Nets, or of taking any Salmon with any such Stop Nets,
 25 Still Nets, or Standing Nets, he shall incur for every such Offence a Penalty of not less than *Five Pounds* and not exceeding *Twenty Pounds*, and forfeit the Fish so caught, and also the Nets so used or set up.

Stop Nets, Still Nets, and Standing Nets prohibited.
 See 10 Car. 1. sess. 3. c. 14.

38. It shall not be lawful for any Person whatsoever, between the
Tenth Day of January and the *First Day of July* in any Year, or
 30 such other Close Season as is now in force or as the Commissioners may fix by any Order to be made under the Provisions of this Act, to hang or fix any Coghill, Eel, or other Net or Basket, or Basket Work, in the Eye, Gap, or Sluice of any Eel or other Weir, or in any Contrivance whatsoever in any River, or to make use of any Net or
 35 fixed Engine for taking Eels, or take or suffer to be taken therein any Salmon; or between the *First Day of July* in any Year and the *Tenth Day of January* in the Year following to keep or leave such Net, Basket, or other Engine set, or in the Water, between Sunrise and Sunset; and any Person offending against this Section shall for
 40 each Offence pay a Sum not less than *Ten Shillings*, and not exceeding *Five Pounds*, and shall forfeit such Net.

Eels.
 Fixed Nets or Engines for the taking of Eels shall not be set in inland Rivers between 10th of January and 1st of July.
 5 & 6 Vict. c. 106. ss. 31 & 77.

None shall
take the Fry
of Eels.

1 Eliz. c. 17.
ss. 1 & 2.

39. No Person shall at any Time, by any Ways or Means, take or kill any young Brood, Spawn or Fry of Eels, under the Penalty of forfeiting for every Offence the Sum of *Twenty Shillings*, and the Fish so taken, and the Nets, Engines, Devices, and Instruments wherewith the Offence shall be committed.

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Penalty on
using certain
Nets in in-
land Waters.

See 8 & 9
Vict. c. 108.
s. 11., and
1 Eliz. c. 17.
s. 3.

See 24 & 25
Vict. c. 109.
s. 10.

40. No Person shall take or attempt to take any Fish (except Pollen) in inland Waters with any Net having a Mesh of less Dimensions than Two Inches in extension from Knot to Knot (the Measurement to be made on each Side of the Square), or Eight Inches measured round each Mesh when wet; and any Person acting in contravention of this Section shall forfeit all Nets used by him in so doing, and shall for each Offence incur a Penalty not exceeding *Five Pounds*, and the placing Two or more Nets behind or near to each other in such Manner as to practically diminish the Mesh of the Nets used, or the Covering the Nets used with Canvas, or the using any other Artifice so as to evade the Provisions of this Section with respect to the Mesh of Nets, shall be deemed to be an Act in contravention of this Section.

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Penalty on
Persons
throwing or
allowing
Matters
poisonous to
Fish to flow
into Inland
Rivers.

5 & 6 Vict.
c. 106. s. 80.

No Fishing
with Nets
in Inland
Waters
during Close
Season for
Salmon.

5 & 6 Vict.
c. 106. s. 66.

Additional
Powers to
enforce Ob-
servance of
the Weekly
and other
Close Times.

8 & 9 Vict.
c. 108. s. 10.

41. No Person shall throw, empty, or cause to run or flow into any River or Lake any Dye Stuff, or other deleterious or poisonous Liquid, or shall throw into such River or Lake any Lime, Spurge, or other deleterious or poisonous Matter, or shall steep in such River or Lake any Flax or Hemp; and any Person acting in contravention of this Section shall incur a Penalty not exceeding *Ten Pounds*.

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42. No Person shall lay, draw, or fish in Inland Waters with any Nets whatsoever (except Nets for the taking of Eels) during the Close Season for Salmon; and any Person acting in contravention of this Section shall incur a Penalty not exceeding *Ten Pounds*, and forfeit the Net or Nets so laid down or fished with.

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43. It shall be lawful for all Officers and Men of the Navy or Coast Guard Service, and of the Constabulary, and for the said Commissioners, Inspectors, Conservators, and Water Bailiffs, and for any Person appointed by or acting under the Authority of the said Commissioners or Conservators, when and as often as they or any of them shall, in any Fishing Weir, Net, or Contrivance, during the Weekly or other Close Time or Season, find any Passage shut, closed, or obstructed, or during such Close Time in any Place find any Net or other Contrivance placed or used where the same are now by Law or may hereafter be prohibited by the said Commissioners, in pursuance of the Powers in them vested, or shall at any Time find any Obstruction in the Queen's Share or Free Gap, or in any Passage for Fish, through or over any fishing or other Weir, or in the Sluice

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Passages

Passages appurtenant to any Mill or Factory at any Time when the Sluice Gate of same shall be open, then and so often to open or cause to be opened such Passages, and remove all such Obstructions at the Expense of the Proprietor, Lessee, or Occupier of such Weir, 5 Mill, or Factory, doing no unnecessary Damage, and to seize and remove all Nets or Parts of Nets, or other Obstructions which may be found so as aforesaid placed or used contrary to the Provisions of this Act, or any Order, Regulation, or Decision of the said Commissioners : Provided always, that nothing herein contained or done 10 in pursuance of the same, shall exempt any Person from the Penalties and Forfeitures in and by this Act prescribed in respect to any of the Matters aforesaid; and provided also, that none of the Parties or Persons hereby authorized to open such Passages or remove such Nets or Obstructions shall be liable for any Damage caused 15 by the Opening of such Passages or Removal of such Nets or Obstructions, unless the same shall be unnecessarily, wantonly, or maliciously done.

Byelaws.

44. It shall be lawful for the Commissioners, from Time to 20 Time as may become necessary, to make and ordain such Byelaws, Rules, Orders, and Regulations as to them shall seem expedient for the more effectual Government, Management, Protection, and Improvement of the Salmon Fisheries of Ireland, and from Time to Time to repeal, rescind, or vary the same, or substitute others 25 in lieu thereof, and to impose and prescribe any Conditions and Restrictions for the Regulation of the said Fisheries, and the Preservation of good Order among the Persons engaged therein, and in relation to the Times and Seasons at which the taking of Salmon or Fish of the Salmon Kind shall commence and cease, and 30 also as to the Description, Size, Length, Dimension, and Form of Nets to be used in the said Fisheries, or to the Manner in which any Nets used in the Salmon Fisheries should be marked or numbered, and the Size of the Meshes thereof, or to the Prohibition of the Use of any Nets or Engines at any Times or Places as the said Commissioners 35 shall think fit, or to the Prohibition of any Practice whatsoever, tending in the Opinion of the Commissioners to impede the taking of Fish, or to be in any Manner detrimental to the said Fisheries, or as to any other Matter or Thing which shall in any Manner in the Opinion of the Commissioners relate to the Government Protection, 40 and Improvement of the said Fisheries; and it shall be lawful for the said Commissioners by any such Byelaw to prohibit the Use at any Time or Season of any Engine or Device for the Capture of Fish which they may deem injurious; and it shall be lawful for the Commissioners to impose any Penalty not exceeding *Twenty Pounds*, 45 in all Cases where any Penalty is not fixed by this Act, for any Breach

Commissioners empowered to make Byelaws for Protection and Improvement of Fisheries.
5 & 6 Vict.
c. 106. s. 91.

of such Byelaws, Rules, Orders, and Regulations, and to direct that all Nets, Engines, or other Instruments whatsoever used contrary to any of such Byelaws, Rules, Orders, or Regulations shall be forfeited, destroyed, or removed, as the Case may require: Provided always, that all such Byelaws, Rules, Orders, and Regulations be not 5 repugnant to any Law or Statute in force in Ireland, and shall not injure the effective Working Power of any Mill or Factory, and shall be approved of and confirmed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being in Council; and all the said Byelaws, Rules, Orders, and Regulations, when so 10 approved and confirmed, shall be binding and conclusive on all Persons as if the same had been contained in and enacted by this Act.

Copies of intended Byelaws to be sent to Clerk of Peace, &c., and Notice given thereof.

5 & 6 Vict. c. 106. s. 92.

45. Provided always, That *One Month* at least before such Byelaws, Rules, and Regulations shall be laid before the Lord Lieutenant or other Chief Governor or Governors for the Time being in Council 15 for his or their Approval, a Copy of the same shall be deposited with the Clerk of the Peace for each County in Ireland in which such Byelaws, Rules, and Regulations are proposed to be enforced, and with the Clerks of the Petty Sessions for each District in which it is proposed the same shall be enforced, and a Notice of the Lodgment of 20 such intended Byelaws shall be posted at the usual Places for posting Notices in each such Petty Sessions District; and it shall be lawful for any Party who may consider himself aggrieved by any such intended Byelaws, Rules, and Regulations to appeal to the Lord Lieutenant or other Governor or Governors for the Time being in 25 Council against such intended Byelaws, Rules, and Regulations.

Publication of Byelaws. 5 & 6 Vict. c. 106. s. 93.

46. The said Byelaws, Rules, and Regulations, when approved and sanctioned as aforesaid, shall be printed, and a Copy of the same shall be deposited with the Clerk of the Peace for each County in Ireland in which such Byelaws are proposed to be enforced, 30 and with the Clerks of Petty Sessions for each District in which it is proposed the same shall be enforced in Ireland, and in such and so many different Places as to the Commissioners shall seem fit; and for the Purpose of convicting any Person offending against the said Byelaws, Rules, and Regulations, a printed Copy of such Byelaws, 35 obtained from the Office of any Clerk of the Peace or Clerk of the Petty Sessions (who is hereby required to furnish the same at the Price of *Sixpence* for each Copy), with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence 40 of such Byelaw and the due Publication thereof.

Decisions and Judgments of

47. All Byelaws, Orders, and Decisions, Judgments and Definitions, which shall be made, pronounced, or given by the Commissioners

missioners under the Provisions of this Act, shall be recorded in the Office of the Commissioners, and a Copy of each such Byelaw, Order, Decision, Judgment, or Definition (as the Case may be) shall be deposited with the Clerk or Clerks of the Peace for the
 5 County or Counties to any Part of which, or the Sea bordering on which, or any Part of which, the same shall relate or apply; and in all Cases where it shall hereafter become necessary to prove any such Byelaw, Order, Decision, Judgment, or Definition in any Court of Law or Justice, or elsewhere, a Copy obtained from the
 10 Office of any Clerk of the Peace with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of any such Byelaw, Order, Decision, Judgment or Definition, shall not be
 15 quashed, set aside, or adjudged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record in Dublin.

Commissioners to be recorded and Copies to be Evidence.

13 & 14 Vict. c. 88. s. 28.

Licences, Fishery Districts, Conservators, &c.

20 48. Whereas by reason of the Want of Co-operation among the several Parties exercising the Rights of Salmon Fishing, and the Extent of the common or public Rights of such Fishing on the Sea Coast and in the Estuaries and Rivers of Ireland, and the varied and conflicting Interests involved therein, it is expedient, with a view to
 25 the Increase and Improvement of the said Fisheries, to make Provision for the due Protection thereof: And whereas it is expedient that Funds should be provided for defraying the Cost of such additional Protection, and it is just and right that the same should be levied from the Persons for the Time being using any Engine or
 30 Device whatsoever for the Capture of such Fish: Be it enacted, That from and after the *First Day of January One thousand eight hundred and sixty-three*, all Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, or Fish of the Salmon Kind, and all Salmon Fisheries shall, before the same be used in the said Year
 35 or any subsequent Year, be duly licensed and rated in the Manner herein-after prescribed, upon Payment of the Licence Duty or Rate, as the Case may be, herein-after provided.

11 & 12 Vict. c. 92. s. 1.

All Engines, Nets, &c. for Salmon Fishing, &c. to be licensed and pay an annual Duty.

11 & 12 Vict. c. 92. s. 8.

40 49. And whereas under the said Act of the Twelfth Year of Her Majesty, Chapter Ninety-two, it was enacted, that the Commissioners for the Execution of that Act should, as they might find it expedient, divide Ireland and the Sea Coast and Islands thereof into Districts for the Purposes of that Act, and should cause the said Districts to be defined and described by suitable Notices and Maps to be published for that

Fishery Districts formed under the 11 & 12 Vict. c. 92. and 13 & 14 Vict. c. 88. to continue

till altered
under this
Act.

Power to
alter same.
11 & 12 Vict.
c. 92. s. 3.

13 & 14 Vict.
c. 88. s. 6.

Conservators
of Fisheries to
be elected for
each District.
11 & 12 Vict.
c. 92. s. 4. and
13 & 14 Vict.
c. 88. s. 13.

But not to hold
any Office of
Profit.

13 & 14 Vict.
c. 88. s. 11.

Commis-
sioners to
prescribe

Purpose ; and each such District should be so formed as to embrace One or more River or Rivers, or Lake or Lakes, with the Tributaries thereof, which are frequented by Salmon, or Fish of the Salmon Kind, or Eels, together with such Portions of the Sea Coast and Islands adjacent thereto as should be described by such Maps ; and the Commissioners should subdivide each such District into Two or more Electoral Divisions, to be called the Upper or Fresh Water and Lower or Tidal Electoral Divisions of such Districts, and upon the Maps aforesaid the said Commissioners should cause to be delineated the Limits and Boundaries of such Electoral Divisions as aforesaid ; and it should be lawful for the said Commissioners from Time to Time, if it should appear to them expedient or necessary so to do, to alter any such District or Electoral Division and fix other Boundaries for the same, duly publishing and describing the same as herein-before provided : And whereas the said Commissioners have, for the Purpose of regulating the Use of certain Engines, and generally for the Purposes of the said Act, made sundry Divisions and Subdivisions of Fishery Districts, and have duly published the same respectively, and Boards of Conservators have been elected for such Districts respectively, which said Divisions and Subdivisions respectively it may be desirable to revise and alter from Time to Time for the Purposes of this Act : Be it therefore enacted, That the several Fishery Districts and Divisions and Subdivisions thereof now established or existing under the Provisions of the said Act or any Act for amending the same, shall continue as if the said Acts had not been repealed, unless and until the same shall be altered as herein provided ; and that the Commissioners for the Execution of this Act may for the Purposes aforesaid alter or subdivide such District or any Electoral Division thereof, and may fix other Boundaries for the same, or unite any Two or more Electoral Divisions of One District, or make any new or additional or substituted Electoral Division in any District, and determine the Number of Conservators to be elected for each such Electoral Division : Provided always, that every such Alteration or Subdivision, Union, or Addition, or Substitution shall be duly published and described, with the Boundaries of the same, in such Manner as the said Commissioners may think suitable.

50. For each such District as aforesaid Conservators of Fisheries shall be triennially elected and appointed as herein-after provided : Provided always, that no elected or other Conservator shall be qualified, so long as he holds such Office, to receive or hold any Office or Appointment under this Act to which any Salary, Allowance, or Remuneration is incident:

51. The Commissioners shall be authorized and empowered to determine and declare the Number of Conservators, not less than

than *Three* nor more than *Nine*, which shall be elected and returned from each such Electoral Division to represent the same, and the Persons so to be returned for each Electoral Division shall be the elected Conservators of Fisheries for the District until the next Election.

Number of Conservators to be elected from each Electoral Division.

11 & 12 Vict. c. 92. s. 5.

Owners of Several Fisheries of a certain Value to be Conservators in like Manner as elected Conservators.

11 & 12 Vict. c. 92. s. 6.

- 5 **52.** If in any District One or more Persons shall possess a Several or exclusive Fishery or Fisheries therein, as Owner, Lessee, or Occupier, valued under the Acts for the more effectual Relief of the Destitute Poor in Ireland at *One hundred Pounds* yearly or upwards, he or they shall be entitled to sit with the elected Conservators for such District, and shall be deemed ex officio a Conservator or
10 Conservators for the same, so long as he or they shall possess such Fishery or Fisheries, and shall have a Vote in all Matters, and shall have all the Powers and Privileges under this Act which the said elected Conservators may individually possess: Provided always,
15 that where a Fishery so rated shall be held by several Persons as Owners, Lessees, or Occupiers, One Person alone shall sit and act as a Conservator as aforesaid in respect of such Fishery.

- 53.** The elected Conservators shall be elected triennially by the Persons who shall have paid Licence Duty and been licensed within
20 each Electoral Division of a District in the current Year, under the Provisions of this Act, in the Manner herein-after mentioned: Provided always, that such Licence Duty shall have in all Cases been paid at least *Three Months* before the Date of such Election; or in case no
25 Licences shall have been issued for such current Year, or all such Licences shall have been issued within *Three Months* before such Election, then the Conservators shall be elected by the Persons who shall have paid Licence Duty as herein-after provided for the Year immediately preceding such Election, under the Provisions of this Act or of the Acts hereby repealed, in the Manner herein-after
30 mentioned.

Elected Conservators to be chosen by the Persons paying Licence.

11 & 12 Vict. c. 92. s. 7.

- 54.** Every Person who shall have paid Licence Duty under this Act, within and for any such Electoral Division within any Year, shall be entitled to vote at the Election of the Conservators to be
35 chosen for such Division held for such current Year, either in Person or by Proxy, according to such Regulations and Forms for the Election as shall be fixed and directed by the Commissioners before mentioned, such Proxy being a qualified Elector, and shall be entitled to have a Vote or Votes thereat according to the following Scale; (that is to say,) if the Licence Duty so paid by such Person shall not
40 amount to *Two Pounds*, *One* Vote; if the same shall amount to *Two Pounds*, and not to *Five Pounds*, *Two* Votes; and if the same shall amount to *Five Pounds*, and not to *Ten Pounds*, *Three* Votes; and if the same shall exceed *Ten Pounds*, *Four* Votes.

Persons who have paid Licence Duty entitled to vote for Conservators.

11 & 12 Vict. c. 92. s. 9.

Votes to be cumulative. 11 & 12 Vict. c. 92. s. 9.

Persons entitled to vote for Conservators qualified to be elected.

The Scale of Licence Duties and Rates for each District to be fixed by the Commissioners.

11 & 12 Vict. c. 92. s. 10.

Conservators in Office at passing of Act to hold Office till next Election.

First Meetings of Persons paying Licence Duty for the Election of Conservators to be called by Commissioners.

Commissioners may attend and preside. 11 & 12 Vict. c. 92. s. 11.

Persons assembled at such First Meetings and at future Annual Meetings to elect Conservators of Fisheries for the Year. 11 & 12 Vict. c. 92. s. 12.

55. Every Person so entitled to vote at the Election of Conservators for any such Division shall be qualified to be elected a Conservator for such Division.

56. The Commissioners shall fix and determine the Scale of Licence Duties and Rates to be paid as aforesaid in respect of all 5 Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, or Fish of the Salmon Kind, and for all Salmon Fisheries within each District, or on or off the Sea Coast thereof, and shall give public Notice of the same within each District; Provided always, that such Licence Duties and Rates respectively 10 shall not exceed the Amount of the respective Licence Duties and Rates specified in the Schedule to this Act annexed.

57. All Conservators holding Office at the *passing of this Act* shall continue in Office until the First Election of Conservators to be held under the Provisions of this Act, and no longer. 15

58. For the Purposes of such First Election of Conservators the existing Boards of Conservators, or in their Default, the Commissioners, shall appoint the Places and Times at which all Persons who shall have paid the Licence Duty as herein provided in each Electoral Division of each District for the Year One thousand eight 20 hundred and sixty-two shall assemble in the Month of October in that Year, the said Conservators or Commissioners, as the Case may be, giving *Two Weeks* Notice thereof by Hand-bills and Advertisements in Two or more Newspapers circulating in such District; and all Persons who shall have paid any such Licence 25 Duty for such Year within such Electoral Division shall be entitled to vote at such respective Meeting, and shall choose a Chairman to preside thereat: Provided always, that it shall be lawful for the said Commissioners, or any One or more of them, to attend and preside at any such First Meeting, instead of such Chairman. 30

59. The Persons so assembled in each Electoral Division at such First Meetings, and at all Triennial Meetings for such Elections, and who shall be qualified to vote under this Act, shall have Power to elect the appointed Number of Persons as herein provided to represent them as Conservators of the Fisheries for the ensuing Three Years; 35 and it shall and may be lawful for the Chairman as aforesaid, or the Commissioners or any Inspector appointed by them, as the Case may be, to receive the Votes of the Persons so assembled as aforesaid, and to declare the Persons who shall have received the greater Number of Votes to be the elected Conservators as aforesaid; 40 and the Chairman of such Meeting, or the Commissioners or Inspector, as the Case may be, shall certify under his or their Hand

Hand the Election of each Conservator, and furnish him with a Certificate, which shall be sufficient Authority for him to act as such Conservator as herein provided, and shall also within *Four Days* after such Election cause a List of such Conservators, with a Statement of
 5 the Residence and Post Town of each, to be transmitted to the Office of the Commissioners; and the Persons so elected for each Electoral Division of a District shall conjointly form, with any such ex officio Conservators as aforesaid, a Board of Conservators of Fisheries for such District, until the Formation of a new Board in like
 10 Manner.

60. For the Purpose of all subsequent Elections the Board of Conservators of each District shall from Time to Time fix and determine and duly publish Notice of the Times and Places for the General Meetings of such Board, and also the Times and Places for the then
 15 next Meetings of Electors in each Electoral Division for the Election of Conservators for the same.

Board of Conservators, when constituted, to fix Times and Places of Meetings.
 11 & 12 Vict. c. 92. s. 12.

61. If any Board of Conservators shall fail to give Notice or appoint Times and Places for holding such Meetings for Elections as aforesaid, it shall be lawful for the said Commissioners to appoint
 20 Times and Places for such Purpose as they may think proper, and in such Case the Election shall be as good and valid in Law as if the Meeting had been duly called by the Conservators.

In default Commissioners may fix Times and Places of Meetings.
 13 & 14 Vict. c. 88. s. 13.

62. If the Persons entitled to meet and elect such Representatives or Conservators in any One or more Electoral Division or
 25 Divisions of a District shall fail or neglect so to do, the Representatives or Conservators of any other One or more Electoral Division or Divisions of such District for which Conservators shall have been elected shall be empowered, nevertheless, to act in all Matters and Things relating to such District under the Provisions of this Act.

In case of Failure of any Electoral Divisions to elect, the Conservators of other Divisions shall act for the District.
 11 & 12 Vict. c. 92. s. 15.

63. If no One Electoral Division in a District shall elect Conservators as aforesaid, it shall be lawful for the previously existing Board of Conservators for such District to continue to act as, and to all Intents and Purposes they shall be, Conservators for such District until the Period for the next Triennial Election.

On Failure of Election of any Conservators, the former Board to act.
 11 & 12 Vict. c. 92. s. 16.

64. In case any Conservator shall die, resign, or become incapable to act during the Period for which he is elected, the other Conservators elected for the same District (notwithstanding such his Death, Resignation, or Incapacity, and whether any Person shall or not be elected in his Room,) shall immediately summon another General
 40 Meeting of the Persons in his Electoral Division so entitled to meet as herein-before mentioned, for the Purpose of electing a Conservator

Provisions in case of Vacancies in the Board of Conservators.
 13 & 14 Vict. c. 88. s. 10.

in his Room, and the Person elected at such Meeting shall be and continue and act as a Conservator for such Electoral Division and District during the Residue of the said Period: Provided, nevertheless, that in the meantime and until such new Election the said other Conservators shall act for such District in all respects as they might have done but for such Death or Incapacity.

Quorum of
Boards of
Conserva-
tors.

11 & 12 Vict.
c. 92. s. 17.

Chairman to
have a Cast-
ing Vote.

65. For the Purposes of this Act, at all District Meetings of the Board of Conservators, *Three* of the Persons entitled and empowered to act and vote thereat, as herein-before provided, shall form a Quorum, and all Matters and Things shall be determined and decided by the Majority of such Persons so assembled; and if on any Matters upon which a Difference may arise the Votes shall be equal, the Chairman shall, in addition to his original Vote, be entitled to give a Casting Vote.

How Meet-
ings of Board
of Conser-
vators are to
be called.

See 11 & 12
Vict. c. 92.
s. 18.

66. It shall and may be lawful for any such Board of Conservators assembled at a District Meeting to fix Time and Place for holding a General Annual Meeting, and hold adjourned Meetings; and it shall be lawful for any *Three* Conservators from Time to Time to call Special Meetings, provided that Notice of the Place and Time of each such Special Meeting, subscribed by *Three* or more Conservators, or by the Clerk of the Board, on their Requisition to him, shall be sent through the Post at least *Fourteen* Days before such Meeting shall be held to each Conservator entitled to act within such District.

Board of
Conserva-
tors at any
Meetings to
nominate
Treasurer,
Clerk, In-
spectors, and
Water
Bailiffs.

11 & 12 Vict.
c. 92. s. 19.

67. It shall be lawful for the Board of Conservators for each District, at any Meeting appointed by them, and at any Time when it may be necessary or expedient, to nominate and appoint a Clerk or Clerks, with reasonable Salary or Salaries, as the said Board may think necessary, and to appoint some Bank to act as Treasurer or Treasurers of such Board, who shall pay such Sum or Sums of Money as shall be required for the Purposes of the District from Time to Time upon a Draft or Order signed by the Chairman at any such Meeting and by *Two* other Conservators, and also to appoint by any Instrument, to the Effect in the Form in Schedule A. to this Act, as many Inspectors and Water Bailiffs as may be necessary, with reasonable Salaries, but only to the Extent which the Funds at their Disposal will admit of, for the Protection of the Fisheries in the District, and for generally enforcing the Fishery Laws within the same; and it shall be lawful for the Board of Conservators from Time to Time to remove any such Clerks, Inspectors, or Water Bailiffs, and to nominate others in their Stead: Provided always, that the Appointment of any such Clerk, Inspector, Water Bailiff, or other Officer by such Board of Conservators shall not be subject to any Stamp Duty; and

and provided also, that such Appointment shall not require the Approval or Confirmation of any Justice of the Peace, herein-after provided in the Case of Water Bailiffs appointed by Persons interested in the Fishery of any River or Lake.

- 5 68. It shall and may be lawful for the Conservators of Fisheries assembled at any Meeting for any District under the Provisions of the said Act, if they shall think fit so to do, to make an Order under their Hands and Seals authorizing the Conservators of any Electoral Division or Divisions to hold Meetings
10 within the Division or Divisions for which they may have been elected, and to appoint a Bank to be Treasurer, and to appoint a Clerk and Water Bailiffs to act for such Division or Divisions, with reasonable Salaries: Provided always, that the fixing and duly publishing Notice of the Times and Places for the Meetings of
15 Conservators in such Electoral Divisions, and the Appointment of a Bank to act as Treasurer, and the Appointments of Clerks and Water Bailiffs, as herein provided, pursuant to such Order, shall be subject to the same Provisions and Regulations as are herein provided and required to be observed and done by Boards of Conservators assembled
20 at General District Meetings, with respect to the Premises; and that after any such Order shall have been made the holding of such Meetings and such Appointments shall be good and valid in Law, and it shall and may be lawful for the Conservators assembled at any General District Meeting as aforesaid to apply and appropriate any Portion of
25 the Money received for Licence Duties and Rates, and for Forfeitures and Penalties, for any District, as they shall consider expedient, to and for the Purposes of any such Electoral Division or Divisions, and cause the same to be lodged to the Credit of the Conservators for such Electoral Division or Divisions in the Bank which such Conser-
30 vators shall as herein provided appoint to act as Treasurer, and such Treasurer shall pay such Sums of Money as shall be required for the Purposes of such Electoral Division or Divisions, from Time to Time, upon a Draft or Order signed by the Chairman at any Meeting of such Conservators for such Electoral Division or Divisions, and by
35 Two other such Conservators: Provided always, that such Conservators acting for any Electoral Division or Divisions as herein provided shall furnish such Accounts of the Disbursements of such Money as may be lodged to their Credit in the Manner aforesaid as the Conservators for any District making such Order as aforesaid
40 shall from Time to Time require.

Conservators empowered at General Meetings to depute Conservators for Electoral Divisions to act for such Electoral Divisions.
13 & 14 Vict. c. 88. s. 5.

69. The Board of Conservators of each District shall take sufficient Security from any Clerk whom they may appoint, and any other Officer or Person having the Care or Custody of Money to be received by virtue of this Act, for the due Execution of the Duties

Security to be given by the Clerk of the Conservators, and Duties to be performed

by him and
other Offi-
cers.

11 & 12 Vict.
c. 92. s. 33.

of his respective Office, or for duly accounting for such Money, as the said Board of Conservators shall think proper ; and such Clerks shall attend the stated and other Meetings of the said Board, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true Account of all the Monies to be received by 5 virtue of this Act, and of the Application of the same, and of all the Acts, Proceedings, and Transactions of the said Board, by virtue of and under the Authority of this Act and shall perform such other Duties as the said Board may direct ; and every Conservator shall and may at all convenient Times have Access to and peruse and 10 inspect the same, and each such Board are hereby empowered and required to cause their said Clerk to furnish to the Commissioners annually, or as often as they may require, an Account of all Monies received and disbursed relating to each such District under the Authority of the Board of Conservators. 15

District
Funds to be
applied by
the Conser-
vators
elected for
the Year.
13 & 14 Vict.
c. 88. s. 8.

70. Where any Monies shall be received by the Treasurer of any District in respect of Licence Duties or Rates for the Period or Term in which the then next Election of Conservators is to take place, such Monies shall, until such Election, be carefully retained by such Treasurer, and shall after such Election be paid over by him to 20 or to the Order of the new Board of Conservators, to be applied by them according to the Provisions of this Act.

All Monies
received for
Licences,
Rates, Penal-
ties, &c., in
each Dis-
trict to be
lodged in
the Bank,
and applied
to defray the
Expenses of
such Dis-
trict under
this Act.
11 & 12 Vict.
c. 92. s. 27.

71. The total Amount of all Sums of Money received for all Licence Duties and Rates, and from the Sale of forfeited Engines, Nets, or Instruments as aforesaid, and from Penalties (save so much 25 as shall be paid to any Informer as herein-after mentioned) under the Provisions of this Act, shall be lodged in the Bank appointed Treasurer, to the Credit of the Conservators of the District, in the Matter of the District for which the same shall have been received, and shall be applied to the Purposes of such respective District as herein 30 provided ; and regular Accounts of the Receipts and Disbursements on account of each District shall be kept and furnished, and all Sums of Money received for Licence Duties and Rates, and for Forfeitures and Penalties, for each such District, shall be paid over by the Parties receiving the same to and received by such Treasurer of such 35 District, and be applied to the Purposes of such District under the Provisions of this Act ; and such Treasurer shall pay such Sums of Money as shall be required for the Purposes of the District from Time to Time upon a Draft or Order signed by the Chairman at any General Meeting of the Board of Conservators and by Two 40 other Conservators.

Conservators
may apply
Funds of

72. The Board of Conservators of any District shall be and are hereby empowered to apply from Time to Time any Portion of the

the Funds in the Hands of the Treasurers to the Credit of such District which they may think fit, for the Purpose of making Passes in or over Weirs, or removing or making Passes in or over natural Obstructions in any River in such District, subject to the Sanction of the Commissioners; and upon obtaining the Sanction of the Commissioners it shall be lawful for the said Board of Conservators to place to the Credit of the Commissioners such Sum of Money as shall have been for that Purpose approved and sanctioned by them, and it shall be lawful for the Commissioners thereupon, as they shall think fit, to construct such Works and make such Alterations in the Bed of any River as shall effectually secure a free and uninterrupted Passage for Fish, or to direct and cause such Alterations to be made in any Weir, Dam, or Dyke erected in or across any River frequented by Salmon, for affording a free and uninterrupted Passage for Fish, as herein-before mentioned.

District towards providing Passes for Fish through natural and artificial Obstructions. 11 & 12 Vict. c. 92. s. 20.

73. The Commissioners, or any Inspector appointed by them, shall be empowered to attend any Meeting of any Board of Conservators, held under the Provisions of this Act, and to advise, consult, and confer with them upon the Regulation, Management, and Improvement of the Fisheries, and shall and may at all convenient Times have Access to and peruse, when they shall think fit, the Books and Accounts kept for the Purposes of any District under this Act.

Commissioners may attend and advise at Meetings of Conservators. 11 & 12 Vict. c. 92. s. 38.

74. The Board of Conservators for each District shall be and are hereby empowered from Time to Time, as they shall think fit, to fix and determine, subject to the Approval of the Commissioners, the Amount of Licence Duty to be paid for each Year after the Year One thousand eight hundred and *sixty-three* for every Engine, Net, Instrument, Weir, or Device, set forth in the Schedule to this Act, used for the taking of Salmon, or Fish of the Salmon Kind, within each such District, or on or off the Sea Coast thereof, and for every Engine, Net, Instrument, Weir, or Device for any such Purpose which may be proposed to be used, and which is not enumerated in the said Schedule; and the Board of Conservators are hereby also empowered to fix and determine, subject to the Approval of the Commissioners from Time to Time, the Rate per Centum to be paid for each Year after the Year One thousand eight hundred and *sixty-three* upon the Poor Law Valuation, in the Cases of fixed Salmon Fisheries within each District, or on or off the Sea Coast thereof: Provided always, that no Licence Duty or Rate to be fixed by the said Conservators shall exceed the respective Amount of Duty specified in the said Schedule, or the Rate of *Ten* per Centum on the Poor Law Valuation of fixed Fisheries; and that any Alteration in the same so to be made shall commence and have

Power to Boards of Conservators, after the Year 1863, to alter and fix, subject to Approval of Commissioners, the Licence Duty and Rates. 11 & 12 Vict. c. 92. s. 13.

effect on and from the *First Day of January* in the then succeeding Year.

All Engines,
Nets, &c.
for Salmon
and Trout
Fishing, &c.
to be licensed
and pay an
annual Duty.
11 & 12 Vict.
c. 92. s. 8.

75. All Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, or Fish of the Salmon Kind, and all Salmon Fisheries within any District, or on or off the Sea Coast thereof, shall, **5** before the same be used in any Year for the taking of such Fish, be duly licensed and rated in the Manner by this Act prescribed, in the Electoral Division of the District in which such Engine, Net, Instrument, or Device shall be used, upon Payment of the Licence Duty or Rate, as the Case may be, set forth in the Schedule C. to this Act: **10** Provided always, that if any Person shall have paid a Licence Duty for any moveable Engine within any Electoral Division as aforesaid, such Person shall not be liable to pay an additional Sum for a Licence in any other Electoral Division, by reason only of fishing with such moveable Engine in any other Electoral Division within such District: **15** Provided also, that if any Person shall have paid a Licence Duty for a Rod within any District as aforesaid, such Person shall not be liable to pay an additional Sum for a Licence in any other District by reason only of fishing with such Rod in any other District; but such Licence shall not be transferable to be available for any other Person except **20** the Person named in such Licence, under the Penalty provided by this Act in the Case of any Person fishing without Licence.

11 & 12 Vict.
c. 92. s. 30.

For Engines,
Nets, &c.
not enumerated
in
Schedule,
Licences to
be fixed by
the Commissioners.
11 & 12 Vict.
c. 92. s. 21.

76. For any Engine, Instrument, Net, Weir, or Device whatsoever not enumerated in the Schedule to this Act, and which may be proposed to be used for fishing for Salmon, or Fish of the **25** Salmon Kind, it shall be lawful for the Commissioners to fix and determine the Licence Duty on Payment of which the same may be used in any District, regard being had, as far as practicable, to the relative Capability of Capture and Productiveness of the same, as compared with those set forth in the said Schedule, and the relative **30** Proportion of the Duties therein set forth: Provided always, that the Party proposing to use any such Engine, Instrument, Net, Weir, or Device not enumerated in such Schedule shall previously give Notice to the Commissioners of his Intention to use the same, and a Description thereof, as to its relative Capability of Capture as **35** compared with the Engines, Instruments, Nets, Weirs, or Devices set forth in the said Schedule, and shall furnish the Name by which it shall be designated, upon which the Commissioners may authorize the Use of the same, upon Payment of the Licence Duty which they may fix, and cause the same to be inserted in the Schedule of **40** Licences for the said District; and if any Person shall fish with any Engine, Instrument, Net, Weir, or Device not enumerated in the Schedule to this Act without complying with the Provisions of this Section,

Section, or without such Engine, Instrument, Net, Weir, or Device being duly licensed, he shall incur a Penalty not exceeding *Twenty Pounds*, and Forfeiture of such Engine, Instrument, Net, Weir, or Device: Provided always, that Rods used singly for taking Trout, Saving as to
Rods not
used for
Salmon.
5 Perch, Pike, or other Fish, save and except Salmon, shall not be subject to any Licence Duty under this Act: Provided also, that if any Person using a Rod shall, under Pretence or otherwise of fishing for Trout, Perch, Pike, or other Fish, take or kill Salmon with such Rod, such Person shall be subject to a Penalty of the
10 like Amount as the Licence Duty for the Time being payable for a Salmon Rod, and the same shall be recoverable before a Justice or Justices in like Manner as other Penalties under this Act: Provided also, that all Cross Lines used with a Rod or Rods for taking Fish of any Kind whatsoever shall be subject to the Licence Duty
15 payable under this Act for the Time being upon Cross Lines and Rods, until the same shall be altered as herein provided.

77. All Licences under this Act shall be prepared and printed in such Form as the Commissioners shall prescribe or from Time to Time think necessary to adopt, and shall be supplied each Year by Form of
Licences, &c.
See 11 & 12
Vict. c. 92.
s. 28.
20 the Commissioners to each Board of Conservators, who shall duly account to the Commissioners when and as often as they (the Commissioners) shall think fit, for the Sale of such Licences, and return at the End of each open Season, or whenever they may be so required, to the Commissioners the Counterparts of such Licences
25 as are issued, together with all Licences remaining unissued; and each such Licence, before being supplied by the Commissioners, shall be stamped with the Seal of the Commissioners, and a separate Licence shall be issued for each separate Engine, Net, Instrument, or Device for taking Fish; and each Licence issued by any Board of
30 Conservators for the District shall be stamped with the Seal of the said Board of Conservators, which Seal shall be provided for such Purpose: Provided always, that the Year for which such Licence shall issue, and a Name, Number, or Letter describing the District and the Electoral Division for the Purposes of this Act in which the
35 Licence shall be used, and the Name of the Engine, Net, Instrument, or Device for which the same shall be issued, shall be printed thereon in clear and legible Characters; and such Licence shall be only good and valid for the Year, District, and Purpose for which the same shall be issued, and for no other, and shall be sold only within the District
40 for which such Licence shall issue; and that any Party selling, using, or presenting the same for any other Year, District, or Purpose, as herein provided, or in any Manner altering or fraudulently counter-
45 same shall have been issued, or which the Party so misusing or counter- Penalty for
misusing or
counterfeit-
ing the same.

feiting the same would be liable to under this Act, at the Discretion of such Justice or Justices before whom the Offence may be tried.

Penalty on Persons using or having Engines, Nets, &c. not producing Licence when required.

78. Any Person using any such Engine, Net, Instrument, or Device as aforesaid, or having the same erected or in fishing Order, or found with the same in his Possession, in or near any Fishing Place, 5 or going to or returning from Fishing, shall and is hereby required to produce to any of the Commissioners or any Officer of the Commissioners, or any Conservator of the District, or any Water Bailiff, when demanded, the Licence for the same, under and subject to like Penalties (in case of Failure) as in the last preceding Provision 10 mentioned: Provided always, that such Parties as shall to the Satisfaction of the Justices or Justice be proved to have them in possession of Manufacturers or Sellers of the same, and not for the Purposes of using the same within the Year in which such Demand shall be made of them respectively, shall be exempt from any such Penalty. 15

Parties having them for Sale, &c. exempt from Penalty.
11 & 12 Vict.
c. 92. s. 29.

Licences how sold.
11 & 12 Vict.
c. 92. s. 30.

79. Such Licences as aforesaid under this Act shall be publicly sold either by licensed Stamp Distributors, or by such Persons and in such and so many Places throughout each District, as the Board of Conservators for the District shall from Time to Time appoint, adequate Security being taken by the said Board of Con- 20 servators from the Persons authorized to sell the same for duly accounting for the same and for the due Performance of their Duty; and the Cost for any Allowance to be made for the Sale of the same shall be charged to the Expenses of the District for which the same shall be issued. 25

Licences to be sold to all Persons demanding to purchase.
11 & 12 Vict.
c. 92. s. 31.

80. All Persons whosoever demanding to purchase any such Licences, and tendering to any Person so appointed to distribute the same the Amount of Licence Duty for the Time being to be paid under the Provisions of this Act, shall be entitled to receive the same without any Question or Objection whatsoever arising either from the 30 Time when, the Purpose for which, or the Right in virtue of which he or they may desire to use such Licence, or on any other Grounds whatsoever.

Account of Sales of Licences to be furnished.
11 & 12 Vict.
c. 92. s. 32.

81. All Persons whom the Board of Conservators shall appoint to sell Licences as aforesaid shall furnish to the said Board 35 of Conservators an Account of such Sales monthly, or so often as they may require, and shall set forth in such Accounts the Sums received for Licences for each particular Engine, Net, Instrument, or Device, the Names and Residences of the Persons who shall have purchased such Licences as aforesaid, and the District and Electoral 40 Division of such District for which such Licences shall have been obtained.

82. If

82. If any Person shall use or erect any Engine, Net, Instrument, or Device whatsoever subjected to Licence Duty as aforesaid for the taking of Salmon or Fish of the Salmon Kind, or by any Means fish within any Salmon Fishery in any Year, without the same respectively being duly licensed for such Year under the Provisions of this Act, every such Engine, Net, Instrument, and Devices, and such Means of fishing shall be forfeited and sold or otherwise disposed of, as the Justice or Justices shall deem fit; and any Person erecting or using the same shall be liable to pay such Penalty; not less than *double* nor more than *treble* the whole of the Licence Duty which under this Act the Engine, Net, Instrument, or Device he shall have been so using or erecting would for the Time being be subject to under this Act, as such Justice or Justices shall think fit; such Forfeitures and Penalties to be proceeded for and recovered and disposed of as herein-after provided.

Penalty on using Engines, Nets, &c., without Licence.

11 & 12 Vict. c. 92. s. 22.

Forfeitures to be applied to the Funds of the District.

13 & 14 Vict. c. 88. s. 12.

Recovery of Forfeitures and Penalties.

83. In all Cases of Salmon Fisheries whatsoever which are or may be rated for the Relief of the Poor, whether possessed as Several Fisheries or otherwise, the Persons using, occupying, or holding such Fisheries, whether such Occupation and holding shall be by Lease, Demise, Agreement, or Tenancy at Will, or in Fee Simple, Fee Tail, or for Life, shall in each Year pay as an annual Rate, in Two equal half-yearly Gales, on the *First Day of February* and the *First Day of July* in every Year after the passing of this Act, such Sum in addition to the Licence Duty by this Act provided to be paid for the Engines, Instruments, Nets, or Devices erected or used in fishing such Fishery, as shall be equal to the Amount of the Difference between the Sums paid by such respective Persons for such Licence Duty or Duties as aforesaid and the annual Sum of *Ten* per Cent. upon the Poor Law Valuation of such Fishery, subject to such Alteration of such Per-centage as may from Time to Time be made by the Board of Conservators of the District with the Approval of the Commissioners under the Provisions of this Act: Provided always, that such rating shall not confer a Right or Title to any such Fisheries as Several Fisheries or any other Right or Title which the Persons possessing them would not have possessed if such Rate had not been imposed.

All Salmon Fisheries rated to the Relief of the Poor to be subject to an annual Rate according to Valuation, in addition to Licence Duty.

11 & 12 Vict. c. 92. s. 23.

13 & 14 Vict. c. 88. s. 7.

84. Any such last-mentioned Rate may be recovered in a summary Way before any One or more Justice or Justices of the Peace, in like Manner as Wages, or by Civil Bill before the Assistant Barrister of the respective County, or by Action in the Superior Courts, at the Suit of the Clerk of the Board of Conservators of the District.

Last-mentioned Rate recoverable before Justices as Wages, or by Civil Bill, or by Action.

11 & 12 Vict. c. 92. s. 24.

Valuation of
such Fish-
eries.
11 & 12 Vict.
c. 92. s. 25.

85. In any Cases where any such Fisheries as last aforesaid may not be or have not been valued by the Persons appointed as Valuers for the Purposes of the Poor Laws in force in Ireland, the Commissioners, on the Application of the Board of Conservators, may and are hereby empowered to call upon the Poor Law Com- 5 missioners of Ireland to cause the same to be valued separately and distinctly from other Property for the Purposes of this Act.

Collection of
such annual
Rate.
11 & 12 Vict.
c. 92. s. 26.

86. Such last-mentioned Rate shall be collected by such Persons as the Board of Conservators for the District shall from Time to Time appoint, adequate Security being taken by the said Conservators from 10 the Persons authorized to receive the same for the duly accounting for the same and for the due Performance of the Duties which the said Conservators may prescribe for them, and the Cost of any Allowance to be made for the Collection of the same shall be charged to the Expenses of the District for which the same shall be collected. 15

Appeal
against
Amount of
Licence
Duty.
13 & 14 Vict.
c. 88. s. 9.

87. Any Party who shall conceive himself or any other Person to be unduly or unequally or insufficiently charged by any such Board of Conservators with any Licence Duty as aforesaid, may present his Appeal therefrom, either to the Assistant Barrister for the District or to the going Judges of Assizes at the then or then 20 next Assizes holden for the County or Jurisdiction wherein his Fishery is situate; and such Assistant Barrister or Judges, as the Case may be, shall hear and examine into such Appeal, and adjudicate thereon, and such their Adjudication shall be final: Provided always, that until and unless any Charge shall be reduced 25 or disallowed by such Assistant Barrister or Judges (as the Case may be), the Party charged shall be deemed liable to the full Amount of Licence Duty wherewith he shall have so been charged: Provided also, that if such Charge shall be so reduced or disallowed as aforesaid such Reduction or Disallowance (as the Case may be) shall relate 30 back to the Time of making such Charge, and shall operate either by way of further Charge or of Discharge in full, or pro tanto, as the Case may be; and if it shall operate by way of Discharge as aforesaid, and the Party so discharged shall have theretofore actually paid the Amount of such Charge, he shall immediately upon such Adjudi- 35 cation be entitled to recover back from the said Board of Conservators for such District the full Amount of such Charge, or (as the Case may be) the Excess beyond or over the true Amount of such Charge, in conformity with the said Adjudication: Provided always, that due Notice of the Party's Intention to present such Appeal shall 40 be by him served upon the said Board of Conservators within *Ten* Days after the making of such Charge: Provided always, that no such Appeal shall lie in respect of any Licence Duties specified in the Schedule annexed to this Act.

88. Nothing

88. Nothing herein contained with reference to the Possession of any Licence, or the Payment of the Licence Duty or Rates under this Act, shall be construed to give or confer any Right of fishing or of using any Instrument or Device for taking Fish by any Means or
 5 in any Place which the Party having or using such Licence or paying such Rate would not otherwise have possessed, or to alter or affect the Rights of any other Persons; and no Licence granted under this Act shall legalize any Weir, Stake Net, Bag Net, fixed or other Engine for taking Salmon, that would otherwise be illegal; and all
 10 Indictments, Prosecutions, Actions, and other legal Proceedings may be preferred, had, and taken for the Suppression of such Engines, or for the Recovery of Damages or otherwise as if such Licence had not been granted; and it shall be lawful for any Board of Conservators to prefer, have, and take any such Indictments, Prosecutions, or other
 15 legal Proceedings in respect of any such Engines within their District, and to pay all Costs incurred by them on account of such Indictments, Prosecutions, or Proceedings out of any Funds for the Time being in their Hands, and they shall not be hindered in any particular Case from taking such Proceedings by reason of their having granted any
 20 Licence or Licences to the Owner or any other Person using or interested in any such Engines.

Licences not to confer Rights not otherwise possessed; and not to alter Rights of Parties.
 11 & 12 Vict. c. 92. s. 31.
 Saving of Remedies against illegal Weirs and Engines.

89. Every Inspector or Water Bailiff shall be empowered to exercise the Powers and Authorities of a Constable for the Enforcement of the Provisions of this Act, and shall be at liberty at all
 25 Times and Seasons, without any Let or Hindrance whatsoever, to enter into and pass through or along the Banks or Borders of any Lakes or Rivers frequented by Salmon, or of the Tributaries thereof, for the Protection of the Fisheries whereof he shall be so appointed as aforesaid, and with Boats or otherwise to enter upon all and
 30 every such Lakes or Rivers, and to enter upon and examine all Weirs, Sluices, Milldams, Millraces, and Watercourses communicating therewith, and to pass along the same, and to enter any Boat, Vessel, Cot, Cobble, or Curragh engaged in Fishing, and to examine all Weirs, Dams, and Dikes, and all standing, floating, or other Nets what-
 35 soever, and to seize all illegal Nets, Engines, Instruments, and Devices whatsoever, and all and every other Nets, Engines, and Instruments whatsoever when used illegally, or used without such Licence as by this Act provided, and to seize all Red, Black, foul, or unclean or unseasonable Salmon, or all Fish caught in the Close Season fixed
 40 by this Act or by the Commissioners, or hereafter to be fixed by the Commissioners, and to do all such other Acts and Things as he shall be required to do by the Byelaws of the Commissioners, or in execution of this Act, or by any Warrant issued by any Justice or Justices in conformity with the Provisions of this Act, and the Pro-

Powers of Water Bailiffs for the Protection of the Fisheries.
 5 & 6 Vict. c. 106. s. 84.

duction of the Certificate of Appointment shall be sufficient Warrant for such Water Bailiff acting in any of the Cases aforesaid : Provided always, that nothing herein contained shall be construed to authorize any Water Bailiff to enter any Garden enclosed with a Wall or Paling, nor any Dwelling House or the Curtilage thereof (except where the ordinary Road or Passage to any River, Weir, Dam, or Dike shall be through any such Garden or Curtilage as aforesaid), save when thereunto authorized by the Warrant of a Justice of the Peace as hereinafter provided.

Justice may grant a Warrant to enter suspected Places.

5 & 6 Vict.
c. 106. s. 85.
24 & 25 Vict.
c. 109. s. 34.

90. It shall be lawful for any Justice of the Peace, upon an Information on Oath, that there is probable Cause to suspect any Breach of the Provisions of this Act to be committed within any of the herein-before excepted Grounds and Premises, or any Salmon illegally taken, or any illegal Nets or other Engines to be concealed or otherwise on any Premises, by Warrant under his Hand and Seal, to authorize and empower by Name any Water Bailiff, or any Officer appointed by the said Commissioners, to enter such Premises for the Purpose of detecting such Offence, or such Fish, Nets, or Engines, at such Time or Times, in the Day or Night, as in such Warrant may be mentioned ; and to seize all illegal Nets or Engines, or any Red, Black, foul, unclean, or unseasonable Salmon, or any Salmon illegally taken that may be found on such Premises ; provided that no such Warrant shall continue in force for more than *One Week* from the Date thereof.

SEA FISHERIES.

25

Regulations as to Trawl and Drift Nets.

See 6 & 7
Vict. c. 79.
Schedule,
Art. 24, 25,
26, 60, & 61.

91. The following Regulations shall be adopted :—

- (1.) Trawl Fishing is forbidden in all Places where there are Boats engaged in Herring or Mackerel Drift Net Fishing :
- (2.) Trawl Boats shall always keep at a Distance of at least Three Miles from all Boats fishing for Herrings or Mackerel with Drift Nets :
- (3.) Whenever Herring or Mackerel Boats shall commence Drift Net Fishing in any Place whatever, the Trawl Boats which may be already fishing in such Place shall depart therefrom, and shall keep at a Distance of at least Three Miles from the said Drift Net Herring or Mackerel Boats :
- (4.) When Nets of different Boats get foul of each other, the Master of the said Boats shall not cut them, unless it shall have been found impossible to clear them by other Means ; and if they are so obliged to cut them, they shall knot or join the Parts as far as shall be practicable :
- (5.) All Fishing Boats, all Rigging, Gear, or other Appurtenances of Fishing Boats, all Nets, Buoys, Floats, or other Fishing Implements,

Implements whatsoever found or picked up at Sea, shall, as soon as possible, be delivered at the nearest Coast Guard Station, and any Person acting in contravention of this Section shall incur a Penalty not exceeding *Ten Pounds*.

- 5 **92.** For the Purpose of facilitating the registering of Vessels and Boats engaged in the Sea and Tideway Fisheries of Ireland, the Commissioners shall divide the Coast of Ireland into such and so many Districts or Divisions, to be designated by such Names, Marks, or Letters as they shall deem fit, and shall and may, if they shall
10 think fit, from Time to Time alter such Districts, Divisions, and Designations, and such Districts, Divisions, and Designations, or Alterations thereof as aforesaid, shall be published by the Commissioners in such Manner as they may direct, and shall also be recorded in the Office of the Commissioners.
- 15 **93.** At such of the Coast Guard Stations within such Districts or Divisions respectively as the Commissioners shall appoint, subject to the Consent and Approbation of the Lords Commissioners of the Admiralty, there shall be kept in a Book or Books to be provided for that Purpose, a Registry of all Vessels, Boats, Cots, or
20 Curraghs engaged in fishing, and belonging to Places within the District or Division in which such Coast Guard Station may be situate, together with the Names of the Owners of such Vessels, and of the Ports to which the same may respectively belong, and the Number of Men usually employed in each such Vessel, Boat, Cot, or
25 Curragh; and the Owners of such Vessels, Boats, Cots, or Curraghs are hereby required to have registered accordingly their Names, and the Names of their Vessels, and the Ports to which they severally belong, and the Number of their Men; and the Owner of each Vessel, Boat, Cot, or Curragh shall be furnished by the registering
30 Officer for the Time being with a Certificate of such Registry signed by him, and pay such Sum as the Commissioners may direct, not exceeding the Sum of *One Shilling* for each such Certificate; and such Certificate, or a Copy thereof obtained from such registering Officer, shall be conclusive Evidence of such Registration; and the
35 Number and Mark or Letter which shall be assigned to each Vessel, Boat, Cot, or Curragh by the registering Officer, together with the Names of the Vessel, of the Owner, or some One of the Owners, where more than One, and of the Port to which such Vessel, Boat, Cot, or Curragh belongs, shall be painted on the Stern of such Vessel,
40 Boat, Cot, or Curragh; and such Number and Mark or Letter shall be also painted on the Sails and Bows or Quarters, and on the Buoys attached to the Nets used with such Vessel, Boat, Cot, or Curragh, or on small Boards permanently attached to such Nets for the Purpose, in such Manner and in Figures of such Dimensions as the

The Coasts of Ireland to be divided into Districts for the Purposes of this Act.

5 & 6 Vict. c. 106. s. 15.

Fishing Vessels on the Coast of Ireland to be registered and marked, &c.

5 & 6 Vict. c. 106. s. 16.

Penalty for
using Ves-
sels not re-
gistered.

Commissioners shall direct; and if any Vessel, Boat, Cot, or Curragh shall be used for fishing on any Part of the Coast of Ireland, or within any Estuary thereof, at any Time after the *First Day of January One thousand eight hundred and sixty-three*, which Vessel, Boat, Cot, or Curragh shall not have been so duly registered as aforesaid, or on the 5 Stern whereof the Name of such Vessel, Boat, Cot, or Curragh, that of the Owner or One of the Owners, and of the Port to which such Vessel, Boat, Cot, or Curragh may belong, shall not be so painted, and on the Sails, Bows, or Quarters, and Buoys and small Boards attached to the Nets whereof, such Number and Mark or Letter shall 10 not be so painted, the Owner, Master, or chief Officer of such Vessel, Boat, Cot, or Curragh so used shall for every such Offence forfeit and pay a Sum not exceeding *Ten Pounds*: Provided always, that when any such Vessel shall not be permanently engaged in fishing, the Number and Mark or Letter may be temporarily attached to the 15 Sails, Bows, and Quarters of such Vessel, in such Manner and for such Time as shall be permitted by the Commissioners; and provided also, that Vessels belonging to Places out of Ireland may, for the Purposes of this Act, be registered at the Coast Guard Station of any District or Division within or adjoining which such Vessel shall 20 be engaged in fishing for the Time being, the Owner, Master, or chief Officer of any such Vessel being subject nevertheless in both last-mentioned Cases to forfeit and pay a Sum not exceeding *Ten Pounds* if he shall neglect to comply with the Provisions aforesaid; and any Officer or Men of the Coast Guards is or are hereby autho- 25 rized to seize and detain in his Custody all Boats, Vessels, &c., not registered and marked as herein directed; and such Boats or Vessels so seized may be restored to the Owner on the Penalties and Costs incurred being paid.

Close Season
for Oysters,
1st of May to
1st of Sep-
tember.
See 5 & 6
Vict. c. 106.
s. 32.

94. It shall not be lawful for any Person, between the *First Day* 30 *of May* and the *First Day of September* in any Year, to dredge for, take, catch, or destroy any Oyster or Oyster Brood, save and except where the Season for taking the same may have been changed by the Commissioners under the Provisions of the Acts hereby repealed; and it shall be lawful for the Commissioners to alter, if they shall 35 think fit, on the Application of any Person interested in any Oyster Fishery the Season in any Locality during which it shall not be lawful to dredge for or take any Oysters, taking the like Steps as are provided in case of altering the Season for Salmon Fishing herein-before provided. 40

Power to
make Oyster
Beds.
8 & 9 Vict.
c. 108. s. 17.

95. It shall be lawful for the Owner or Occupier of any Land bordering on the Sea or any Estuary, with the Permission in Writing of the Commissioners, or for any Person or Persons, with the Consent

Consent in Writing of such Owner or Occupier, and with the Permission in Writing of the Commissioners, to form or plant any Oyster Bed or Laying on the Shore adjacent to such Lands, and between High-water and Low-water Mark, and above or below the Level of the lowest Water Mark of Spring Tides, as the said Commissioners shall think fit; and it shall be lawful for the several Persons forming or planting any such Oyster Bed or Laying to hold the same as private Property, and to exercise an exclusive Control over the same, and such Oyster Beds shall be entitled to the like Protection as by this Act is provided in case of any other Oyster Beds or Layings being the exclusive Property of any Person: Provided always, that any such Permission as last aforesaid shall be lodged with the Clerk of the Peace of the County in which such Oyster Beds or Layings shall be situate, and in all Cases where it shall hereafter become necessary to prove any such Permission of said Commissioners in any Court of Law or Justice or elsewhere, a Copy obtained from the Office of any such Clerk of the Peace with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of any such Permission, and which Copy such Clerk of the Peace is hereby required to furnish at the Price of *Sixpence* for each Copy so furnished and certified: Provided always, that the forming and planting of such Oyster Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Oysters, but that the Rights herein-before granted and conferred are to be considered as exclusively applying to Places where no such public Oyster Beds at present exist; saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of fishing or other Rights whatsoever in or along the said Shore, subject to the Provisions in this Act contained; and provided also, that in case of any such Permission being granted to any Occupier of any Land bordering on the Sea or any Estuary as aforesaid, or to any Person with his Consent, such Permission shall only continue and be in force during the Continuance of such Occupancy; and in the Case of any Permission being granted to any Person with the Consent of any Owner, such Permission to plant Oyster Beds shall only continue and be in force for such Period as shall be named in the Consent of such Owner.

96. Nothing herein shall be construed to protect, as an exclusive Right or private Property, any Oyster Bed or Laying, or Oyster Fishery lying below the Level of the lowest Water of Spring Tides, or to subject any Person to be deemed guilty of or to be indicted for Larceny for taking Oysters from any such Oyster Bed or Fishery,

and 13 & 14
Vict. c. 88.
s. 41.

Oyster Beds
below lowest
Water of
Spring Tide
not to be
deemed pri-
vate Pro-
perty unless

held by
Charter or
Prescription,
or by Per-
mission of
Commis-
sioners.

8 & 9 Vict.
c. 108. s. 16.

unless such Oyster Bed or Fishery shall be legally possessed and enjoyed by some Person by virtue of Charter, Grant, Patent, or Act of Parliament, in and by which such Oyster Bed or Fishery is specially granted, and the Limits thereof accurately described, or unless the same has been held and enjoyed by Prescription as an exclusive Right 5 and private Property within Limits clearly defined, or unless such Oyster Bed or Laying shall have been or shall be made with the Permission of the Commissioners, as herein provided.

Power to
dredge
during Part
of Close
Time for
Oysters to
supply Beds.
8 & 9 Vict.
c. 108. s. 19.

97. For the Purpose of replenishing and supplying such artificial Oyster Beds or Layings, or other Beds and Layings the exclusive 10 Property of any Person or Persons, but for no other Purpose whatsoever, it shall be lawful for any Person to dredge for and take Oysters from any natural public Bed lying below the Level of the lowest Water of Spring Tides, during such Part only of the Close Season as now fixed or hereafter to be fixed under the Provisions of this 15 Act, as the Commissioners shall upon Inquiry think fit to appoint for such Purpose for or in any District or Place: Provided always, that if any Oysters dredged or taken during such Part of the Close Season shall be brought to Shore, or sold or offered for Sale, or be found in the Possession of any Person on Land, or be used for any 20 other Purpose than the replenishing or supplying any such artificial or other Bed as aforesaid, every Person so offending shall forfeit all such Oysters, and be subject and liable to the same Penalties and Forfeitures as by this Act prescribed in Cases of Offences against the Provisions of this Act for the Observance of the Close Season in 25 respect to Oysters.

Commis-
sioners to
make Bye-
laws for Im-
provement of
Oyster
Fisheries.
8 & 9 Vict.
c. 108. s. 20.

98. It shall be lawful for the Commissioners from Time to Time to make and ordain such Byelaws, Rules, and Regulations as to them shall seem expedient, to prevent the Destruction or Removal from any Oyster Beds of small unsizeable Oysters, and to fix by any 30 such Byelaws, Rules, or Regulations the Size or Dimensions of the smallest Oysters which may be removed from such Beds, and to appoint such Means to be adopted in the dredging and culling of the Oysters on the Fishing Grounds as will secure the Return to the Sea of all Oysters of less Dimensions than those to be so fixed, and 35 during any Part of the Close Time, or in Places where dredging for Oysters shall be prohibited for a certain Period, to prohibit, if they shall so think fit, that any Boat shall have on board a Dredge or other Implement for the taking of Oysters, and to make such other Rules and Regulations as to them shall seem fit for the Increase, Improve- 40 ment, and Protection of the Oyster Fisheries.

Proprietors
of Oyster
Beds may

99. It shall be lawful for any Proprietor or Tenant of any Oyster Bed or Laying, or for any associated Body of Persons interested in the

the Protection and Improvement of any Oyster Fishery, to appoint by any Instrument in Writing in the Form in Schedule B. to this Act annexed, in the same Manner and subject to the same Restrictions and Provisions as by this Act are provided for the Appointment of

appoint
Water
Bailiffs.
8 & 9 Vict.
c. 108. s. 21.

- 5 Water Bailiffs, any Person or Persons to be a Water Bailiff or Water Bailiffs for the Protection of any such Oyster Fishery, and for the due Enforcement of the Provisions of this Act in respect of the same, and of the Byelaws, Rules, and Regulations now existing or hereafter to be made by the Commissioners in relation thereto; and the
- 10 Water Bailiffs so to be appointed shall have and may exercise and use all and every the same Powers and Authorities, and have the same Privileges as by this Act are vested in or given to the Water Bailiffs appointed thereunder, so far as the same may be necessary for the Purposes aforesaid.

15 *General Provisions.*

100. It shall be lawful for all Fishermen and Persons employed by them to enter upon all such Beaches, Strands, and Wastes on or adjoining the Sea Shore or any Estuary, as may be necessary for the Purpose of carrying on any Herring or other Sea Fishing, and also to draw up and spread their Nets and land their Fish upon any such Beach, Strand, or Waste: Provided nevertheless, that they shall not erect any Fixtures or Fixed Nets thereon, save as herein-after provided.

Fishermen,
&c. may use
Waste Shores
for the Pur-
poses of
fishing.
5 & 6 Vict.
c. 106. s. 3.

- 101.** It shall be lawful for all Watchmen, Directors, and Guiders of Fishermen, and all such Fishermen themselves, and such other
- 25 Persons as shall necessarily attend the Nets or Fishings at the Times of fishing for Herrings, Pilchards, and other Sea Fish, to enter and go into and upon any Lands which do lie or adjoin near unto any Fishing Place, fit, convenient, and necessary to watch and to draw or carry the Fish on shore, and there to watch for the said Fish, and to direct and
- 30 guide the said Fishermen which shall be upon the Sea and Sea Coasts for the taking of the said Fish; provided that no Person shall be empowered or authorized by this Act to enter in or upon any enclosed Garden, or any Tillage Land with a growing Crop thereon.

Provisions as
to watching
for Fish.
5 & 6 Vict.
c. 106. s. 4.

- 102.** If any Person shall resist or forcibly obstruct any Fisherman, or Person employed by him, in entering upon or using for the Purposes aforesaid, the said Beaches, Strands, Wastes, and other Lands (save Gardens and Lands with a growing Crop as aforesaid), every Person so offending for every such Offence shall forfeit and pay any Sum not exceeding *Five Pounds*.

Penalty on
Persons re-
sisting or
obstructing
Fishermen
in using
Waste
Shores.
5 & 6 Vict.
c. 106. s. 5.

- 103.** If any Person shall resist or obstruct any Persons lawfully engaged in fishing, or in proceeding to fish, or in returning from fishing, or shall wilfully and maliciously place any Net or other

Penalty on
Persons as-
saulting or
obstructing

any Person
fishing in a
legal Man-
ner.

5 & 6 Vict.
c. 106. s. 28.
and 6 & 7
Vict. c. 79.
s. 11.

Engine, or Obstruction of any Kind, with the Intent and Design to prevent Fish from entering the Nets of other Persons set or placed in a legal Manner, or shall beat or disturb the Water, or in any other Manner act with the Intent and Design unlawfully to prevent Fish from being taken by any Person in a legal Manner, 5 every Person so offending shall for every such Offence forfeit and pay any Sum not less than *Five Pounds* and not exceeding *Twenty Pounds*, and every such Net or other Engine or Obstruction so placed as aforesaid shall also be forfeited.

It shall be
lawful for
the Inhabi-
tants of the
United
Kingdom to
fish on the
Coasts and
in the
Creeks,
Bays, &c. of
Ireland, and
to use all
Ports, Waste
Shores, &c.
59 G. 3.
c. 109. s. 38.

104. It shall be lawful for the Inhabitants of the United Kingdom 10 at all Times and Seasons of the Year, when they shall think proper, freely to fish for, take, and cure any Herrings, Mackerel, Cod, and Lyng, or other Sorts of Fish in all and every Part of the Seas, Creeks, and Bays, wherever such are to be found or can or may be taken, on the Coasts of Ireland; and no Person or Persons shall under 15 any Pretence whatsoever presume to obstruct or hinder any Person or Persons from fishing in the Places aforesaid; nor shall any Person presume to demand or receive any Dues, Sums of Money, or other Consideration whatsoever from any Inhabitant of the United King- 20 dom for the Use of any Ports, Harbours, or Waste Shores on the Coasts of Ireland, except for the Payment of such Harbour or Pier Dues as are and by Law ought to be demanded for Ships, Vessels, and Boats in Piers and Harbours which are built and artificially made; and every Person or Persons so offending shall for every such Offence forfeit the Sum of *Twenty Pounds*, to be recovered in a 25 summary Manner and levied and applied as other Forfeitures are herein directed to be levied and applied.

Officers and
Men of Her
Majesty's
Cruisers, and
Officers and
Men of Coast
Guard Ser-
vice, em-
powered to
enforce Pro-
visions of
this Act.
5 & 6 Vict.
c. 106. s. 86.
and 7 & 8
Vict. 108.
s. 2.

105. It shall and may be lawful for all Officers and Petty Officers and Men belonging to the Cruisers of Her Majesty's Navy, and for all Officers and Men of the Coast Guard, and for all Officers and Men 30 of the Constabulary and Metropolitan Police Force in Ireland, anything in any Act of Parliament to the contrary notwithstanding, at all Times and in all Places, and subject to such Directions and Regulations as the Lords Commissioners of the Admiralty, or the Inspector General of Constabulary, or the Commissioners of the 35 Metropolitan Police, shall from Time to Time think fit to prescribe, to go on board any Vessel employed in Fishing, and examine the Certificate of Registry and Nets of such Vessel, and whether the Regulations of this Act have been complied with, and whether the Master and other Persons on board such Vessel are carrying on the 40 said Fishery in the Manner hereby required, and to seize any illegal Nets or Engines, or Boats, Nets, or Engines used contrary to the Provisions of this Act, or any of the Orders, Regulations, or Byelaws made by the said Commissioners; and it shall be lawful for the Officers

Officers and Men employed in the Coast Guard Service in Ireland, or of the Constabulary Force, to execute, for the Purposes of this Act, on Sea or on Land, the Warrants of any Justice or Justices, as fully and effectually as any Person or Persons authorized and empowered to execute Warrants of any Justice or Justices in Ireland may now execute the same on Land within their respective Districts, and also to do all such other Acts on Sea or Land in relation to the Preservation of the Peace among Persons engaged in Fishing, and the Enforcement of the Provisions of this Act, as any Constable may lawfully do within his Jurisdiction, and to have all the Powers, Privileges, and Authorities, as are by this Act conferred on Water Bailiffs duly appointed thereunder.

Officers and Men of the Coast Guard empowered to act as Constables.

106. When any Person shall be found at Sea, or on Rivers, Lakes, or other Waters, or on Land, offending against any of the Provisions of this Act, or of any Byelaw, Order, or Regulation of the Commissioners, by the Use of any illegal Net, Engine, or Device whatsoever for the taking of Fish, or by the Use of any Net, Engine, or Device prohibited at such Time, or in any other Manner, it shall be lawful for any Officer or Person empowered to enforce the Provisions of this Act, or for any Person interested in the Fishery in which such illegal Act may be committed, to require the Person so found offending forthwith to desist from such Offence, and also to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall, after being so required, refuse to tell his real Name or Place of Abode, or shall give such a general Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or shall wilfully continue such Offence, it shall be lawful for the Officer or Person so requiring as aforesaid, and also for any Person acting by his Order and in his Aid, to apprehend such Offender, and to convey him, or cause him to be conveyed; as soon as conveniently may be, before a Justice of the Peace to be dealt with according to Law: Provided always, that no Person so apprehended shall on any Pretence whatsoever be detained for a longer Period than *Twenty-four* Hours from the Time of his Apprehension before he shall be brought before some Justice of the Peace; and that if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such *Twenty-four* Hours as aforesaid, then the Person so apprehended shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, according to the Provisions in this Act mentioned, as if no such Apprehension had taken place:

Offenders may be apprehended if they refuse to tell their Names.
5 & 6 Vict. c. 106. s. 87.

107. Where any Persons, to the Number of Three or more together, shall be found by any Officer or Men of Her Majesty's Navy,

Penalty on Persons

using Violence.
5 & 6 Vict.
c. 106. s. 88.

or of the Coast Guard, or Constabulary or Metropolitan Police Force, or any Water Bailiff or Peace Officer, by Violence, Intimidation, or Menace, impeding or obstructing, or attempting to impede or obstruct, any other Person or Persons in the lawful Prosecution of any Fishery, it shall be lawful for such Officer of the Navy or Coast Guard, or 5 Constabulary or Police Force, or Water Bailiff or Police Officer, and also for any Person acting by his Order or in his Aid, to apprehend such Offenders, and to convey them before a Justice of Peace to be dealt with according to Law; and every Person so offending by such Violence, Intimidation, or Menace as aforesaid, and every Person then 10 and there aiding or abetting such Offender, shall, upon being convicted thereof, forfeit and pay for every such Offence such Penalty, not exceeding *Twenty Pounds*, as to the convicting Justice shall seem meet, together with the Costs of the Conviction, which said Penalty shall be in addition to and independent of any other Penalty to which 15 any such Person may be liable for any other Offence against this Act.

Water Bailiffs.

Proprietors of Fisheries in Rivers or on the Coast empowered to appoint Water Bailiffs to protect the Fisheries of the River or Lake in which they shall be interested.
5 & 6 Vict.
c. 106. s. 82.

108. And for the better protecting and preserving of Salmon and other Fisheries, and Oyster Beds and Layings, and for the due Enforcement of the Laws regulating the same, it shall be lawful 20 for any Person interested in the Preservation of the Fish of any River or Lake, or for any Persons who shall have united themselves into a Society for the Preservation of the said Fisheries, or for the Owner or Proprietor of any Fishery in any River or Lake, or the Proprietor of any Salmon Fishery on the Sea Coast, or the Proprietor 25 or Tenant of any Oyster Bed or Laying, to appoint during Pleasure, by any Instrument in Writing, in the Form in Schedule B. to this Act annexed, any One or more Persons to be a Water Bailiff or Water Bailiffs for the Protection of the Fisheries on such Part of the Sea Coast, or in any such Lake or River, or the Tributaries thereof, or of 30 such Oyster Bed or Layings as aforesaid, and for the Enforcement of the Provisions of this Act, and of the Byelaws, Rules, and Regulations now existing or hereafter made by the said Commissioners in respect of the same respectively: Provided always, that no such Water Bailiff appointed as aforesaid shall be empowered to act as 35 such until his Appointment shall have been approved and confirmed by Two or more Justices assembled in some Petty Sessions holden in the District within which the said Water Bailiff is to act, which Justices shall endorse the Instrument by which he is appointed; and provided also, that it shall be lawful for any Two or more Justices at 40 Petty Sessions, from Time to Time, upon Complaint made to them, to revoke such Appointment, and dismiss any such Bailiff, and to approve and confirm an Appointment of such other Person as shall be appointed in the Place of the Person so dismissed: *Provided always, that the Appointment of each such Water Bailiff as aforesaid shall be* 45
subject

Stamp Duty.

subject to a Stamp Duty of Five Shillings, and to no higher Duty, anything in any Act to the contrary notwithstanding.

109. If any Water Bailiff so appointed as aforesaid shall act as such without having an Appointment confirmed as aforesaid by the 5 Justices and unrevoked by them, every such Person shall for every such Act forfeit any Sum not exceeding *Ten Pounds*.

Water Bailiffs.
5 & 6 Vict.
c. 106. s. 83.

110. If any Person shall assault, resist, or obstruct any of the Commissioners, Inspectors, or other Officers, or any Person acting by their Authority, or any Conservator, or any Water Bailiff, or any 10 Person acting under them or any of them, in the Execution of any of the Powers conferred on him or them by this Act, or by any Rule, Order, or Byelaw to be made in pursuance of this Act, or shall refuse to open the Door or Entrance leading to any Weir, Milldam, or Dike, every Person so offending shall for every such Offence forfeit 15 and pay any Sum not exceeding *Ten Pounds*.

Penalty on opposing or assaulting Commissioners, Conservators, &c., or Persons authorized by them, in execution of this Act.
5 & 6 Vict.
c. 106. s. 90.

LEGAL PROCEEDINGS.

111. All Fines and Penalties imposed by this Act, and all Costs or Expenses by this Act directed to be recovered may, unless otherwise specially provided, be recovered in a summary Manner within 20 *Six Months* after the Commission of the Offence, in manner directed by an Act passed in the Fifteenth Year of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "The Petty Sessions, Ireland, Act, 1851," or any Act amending the same; and all Monies received in respect of Fines and Penalties recovered under 25 the Act shall be paid as follows; that is to say,

Recovery of Penalties.
24 & 25 Vict.
c. 109. s. 35.
and 11 & 12
Vict. c. 92.
s. 35.

One Third to the Person on whose Complaint the Fine or Penalty is recovered, and the Remainder shall be applied to the Purposes of this Act for the Fishery District in which such Offence shall have been committed, and all Forfeitures shall be 30 disposed of as the Court may direct, and the Proceeds, if any, shall be applied in manner in which the Monies received in respect of Fines and Penalties are hereby directed to be applied.

11 & 12 Vict.
c. 92. s. 35.
and 21 & 22
Vict. c. 100.
s. 28.

112. If any Person shall think himself aggrieved by any Judgment, Order, or Conviction of any Justice or Justices of the Peace, 35 whatever may be the Amount of the Fine, Penalty, or Sum of Money ordered to be paid, or the Term of the Imprisonment imposed, such Person may appeal to the Quarter Sessions in conformity with the Provisions of the said Petty Sessions, Ireland, Act, 1851.

Appeal from Convictions to Quarter Sessions.
5 & 6 Vict.
c. 106. s. 99.

113. And if any Person prosecuting shall think himself aggrieved 40 by any Order of Dismissal, it shall and may be lawful for such Person to appeal to such Sessions as directed in the said Petty Sessions, Ireland, Act, 1851, with regard to Appeals from any Conviction, upon giving

Appeal against Dismissal.
5 & 6 Vict.
c. 103. s. 100.

like Notice and entering into a Recognizance with Two sufficient Sureties before any Magistrate, in any Sum not less than *Ten Pounds*, conditioned for the Payment of all such Costs and Expenses as shall be adjudged against him on the Hearing of such Appeal.

Illegal Nets shall be brought before Magistrates at Petty Sessions and destroyed ;

and legal Nets, when used illegally shall, upon being forfeited, be sold.

See 5 & 6 Vict. c. 106. s. 103. and 1 Geo. 1, stat. 2. c. 18. ss. 6. 14. 18. Geo. 3. c. 33. s. 4.

Persons unlawfully erecting or keeping up any Weir upon a River after Notice forfeit 50*l.* with Costs of Suit.

If continued for Seven Days after Judgment any Person may prostrate it. See 26 G. 3. c. 50. (I.) ss. 8. 9.

114. In case any Officer or Person hereby authorized and 5 empowered to seize illegal Nets or Engines, or Nets or Engines of a legal Form and Size when used contrary to the Provisions of this Act, shall seize the same, it shall and may be lawful for him to retain the same in his Custody until the next Sitting of the Petty Sessions Court, or any Adjournment thereof, in the Petty Sessions District 10 where the same shall be seized, and at such Petty Sessions Court it shall and may be lawful for the Justices to order and direct the same to be forfeited, and in case the same shall be such as cannot be legally used under the Provisions of this Act, to order the same to be destroyed, and in case the same shall be such as may be legally used under the 15 Provisions of this Act, then and in such Case it shall be lawful for such Justices to order the same to be sold, or otherwise disposed of as such Justice shall direct, and the Money arising therefrom, if sold, to be applied in the same Manner as the Penalties imposed for Violation of the Provisions of this Act are hereby directed to be 20 applied : Provided always, that in case of any Fish being seized under the Provisions of this Act, the same may be forthwith sold, and the Proceeds thereof applied in the same Manner and subject to the Regulations in this Act provided for Application of Fines and Penalties. 25

115. If any Person has unlawfully erected or kept up, or shall unlawfully erect or keep up, any Weir upon any River, and a Notice shall be served in Writing upon the Proprietor or Occupier of such Weir, or his known Agent, by the Proprietor or Occupier of any Grounds on the Banks of such River on which such Weir has been or shall be erected, 30 requiring him to prostrate or open the same within the Space of Thirty Days from the Service of such Notice, if such Proprietor or Occupier of such Weir shall not within that Time abate or prostrate the same, he shall forfeit a Sum of *Fifty Pounds*, together with Costs of Suit, to be recovered by Action of Debt in any of Her Majesty's 35 Courts of Record in Dublin, one Moiety thereof to be to the Use of the Person who shall sue for the same, and the other to the Use of the Conservators of the District in which such Weir has been or shall be unlawfully erected or kept up ; and the said Court shall adjudge such Weir to be abated at the Expense of the Defendant in such 40 Action ; and if the Proprietor or Occupier of such Weir shall not within the Space of Seven Days after Judgment shall be given against him in such Action abate or prostrate such Weir, it shall and may be lawful for any Person to abate and prostrate the same.

116. If,

116. If, after any Order or Decision of any Court whatsoever, which shall at any Time be made, for abating or removing any Weir, fixed Net or Engine, or any Part thereof, unless and until the same shall be reversed on Appeal, any Person shall erect, 5 re-erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, in or adjoining or contiguous to any Place where it may have been or shall be decided by any such Court that any such Weir, fixed Net or Engine, or any Part thereof, should be abated and removed, or if any Person shall erect, re-erect, use, or 10 fish with any Weir, fixed Net or Engine, or any Part thereof, contrary to Law, and after Conviction of any Person for erecting, using, or fishing with any Weir, fixed Net or Engine, or any Part thereof, in the same Place, or in, adjoining, or contiguous to the same Place, or for erecting, using, or fishing with any Weir, fixed Net or Engine, 15 or any Part thereof, of the same Description or used for the same Purposes, then and in every such Case the Commissioners, or any Two Justices of the Peace for the County or other Jurisdiction wherein the said Weir, fixed Net or Contrivance, or any Part thereof, shall have been so erected or re-erected, or used or fished with, 20 shall, by Warrant under their Hand, from Time to Time, and so often as any such Weir, fixed Net or Engine, or any Part thereof, as aforesaid, shall be so erected, re-erected, used, or fished with, abate and remove the same, at the Expense of the Party or Parties erecting, re-erecting, using, or fishing with the same, or of the Owners 25 or Occupiers of the Soil whereon such Weir, fixed Net or Engine, or any Part thereof, shall be so erected, re-erected, used, or fished with, (if such Owners or Occupiers shall appear to have permitted or suffered such Erection, Re-erection, Use, or Fishing,) and further, that the Materials of every such Weir, fixed Net or Engine, or such 30 Part thereof as aforesaid, shall be forfeited and sold or otherwise disposed of as the said Justices or the Commissioners shall direct; and that the said Party or Parties and Owner shall (independently of all other Forfeitures and Penalties to which he or they may be liable) forfeit and pay for every such Offence any Sum not less 35 than *Twenty Pounds*, and also any Sum not exceeding *Ten Pounds* nor less than *Two Pounds* for every Day during which such Weir, fixed Net or Engine, or such Part thereof, shall continue to be so erected, re-erected, used, or fished with as aforesaid; and that the Produce of such Sale and all such Forfeitures and Penalties respec- 40 tively shall be disposed of and applied in such Manner as is in and by this Act directed in regard of illegal Nets used or legal Nets illegally used for fishing.

Penalties for
erecting or
re-erecting
Weirs after
Conviction.
13 & 14 Vict.
c. 88. s. 17.

117. It shall be lawful for the Court before which any Indictment or Information for any Offence against this Act, or for any [47.] F 4 Nuisance Courts may award Costs. 13 & 14 Vict. c. 88. s. 54

Nuisance in Tidal or Navigable Waters shall have been preferred, heard, or tried and determined, to order that the Costs, Charges, and Expenses of and incident to such Indictment or Information, and the Proceedings therein, and the preferring, Hearing, or Trial and Determination thereof, shall follow the Event of the same respectively, and be borne and paid by the Party against whom the same shall have been determined, and that such Costs, Charges, and Expenses shall be estimated, either as between Party and Party or as between Attorney and Client, at the Discretion of such Court.

Offences on Rivers may be tried in County on either Side. 24 & 25 Vict. c. 109. s. 36.

118. Where any Offence under this Act is committed in or upon any Waters forming the Boundary between any Two Counties, Districts of Quarter Sessions, or Petty Sessions, such Offence may be prosecuted before any Justice or Justices of the Peace in either of such Counties or Districts. 10

Offences committed on Sea Coast where to be tried. 24 & 25 Vict. c. 109. s. 37.

119. Any Offence committed under this Act, on the Sea Coast or at Sea, beyond the ordinary Jurisdiction of any Justice of the Peace, shall be deemed to have been committed within the Body of any County abutting on such Sea Coast or adjoining such Sea, and may be tried and punished accordingly. 15

Saving Clause for dredging. 24 & 25 Vict. c. 109. s. 38.

120. Nothing in this Act contained shall prejudice the legal Right of any Conservators, Directors, Commissioners, Undertakers, Persons, or Body of Persons, corporate or unincorporate, to dredge, scour, cleanse, or improve any navigable River, Canal, or other Inland Navigation. 20

Justices of the Peace, being Conservators, not disqualified from sitting at the Trial of Offences against this Act. 13 & 14 Vict. c. 88. s. 11.

121. No elected or other Conservator, being also a Justice of the Peace for the County or Counties or other Jurisdiction within which his District or Electoral Division is situate, shall be thereby disqualified to sit and adjudicate as such Justice of the Peace, or at any Quarter or Petty Sessions within the same, upon any Complaint made or Prosecution instituted by or on the Behalf of the Board of Conservators of which he is such Member, in respect of any Offence against this Act or the said recited Acts. 25 30

Nothing to affect or impair Jurisdiction of Admiralty and other Courts. 13 & 14 Vict. c. 88. s. 19.

122. Nothing in this Act contained shall take away or in any Manner lessen or impair the Powers of Her Majesty's High Court of Admiralty, or any other Court or Jurisdiction, in relation to the Removal or Abatement of Nuisances accruing or occasioned to Navigation, Fishery, or the Passage of Fish, by the placing or maintaining or using of Weirs, fixed Nets, or other Contrivances. 35

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

WARRANT for WATER BAILIFF of FISHERIES.

WE whose Names are hereunto subscribed, being Three of the Conservators acting in and for the District of _____, under the Provisions of an Act passed in the _____ Year of the Reign of Her present Majesty Queen Victoria, intituled

_____ do hereby, in pursuance of the Powers and Authorities in us by the said Act vested, nominate and appoint _____ a Water Bailiff for the Protection of the Fisheries in said District, and for generally enforcing the Fishery Laws within the same; and the said _____ is hereby authorized to do all lawful Acts and the several Acts therein recited or referred to.

Board Room, _____ Day of _____ 186 .

CONSERVATORS. _____ (Seal.)

To all whom it may concern.

SCHEDULE (B.)

FORM of WARRANT for a WATER BAILIFF.

[Stamp.]

I A.B. [or we A.B. and C.D., as the Case may be,] [name the Place or Places of Residence], do hereby appoint D.E. of _____ [name the Place of his Residence] a Water Bailiff, to protect the Fishery of _____ [name the Fishery, River, or District, as the Case may be], pursuant to the Act of Victoria, Chapter _____, intituled _____; and the said D.E. of _____ [name the Place of his Residence] is hereby authorized to do all lawful Acts as such Water Bailiff, according to the Provisions of the said Act.

(Signed) A.B.

To all whom it may concern.

[47.]

G

Form

Form of Approval of Appointment of Water Bailiff.

We, the undersigned Magistrates assembled in Petty Sessions at
 this Day of , A.D. 18 ,
 do hereby approve of the above Appointment of
 as Water Bailiff for the said Fishery [River, District, *as the Case may*
be]. In witness whereof we hereunto subscribe our Names.

A. B. J. P.

C. D. J. P.

SCHEDULE (C.)

See 11 & 12 SCALE of LICENCE DUTIES for each Engine, Net, Instrument, or Device used
 Vict. c. 92. in Salmon Fisheries in Districts.
 Schedule.

	£	s.	d.
1. Single Salmon Rods	0	5	0
2. Cross Lines and Rods	2	0	0
3. Snap Nets	1	0	0
4. Draft Nets or Seines, not exceeding 200 Yards in Length	3	0	0
Over that Length, for every 100 Yards or fractional Parts of every 100 Yards, an additional Duty of	3	0	0
5. Drift Nets	3	0	0
6. Pole Nets	2	0	0
7. Other Nets or Engines not named above	<i>Licence Duties, such as shall be fixed by Commis- sioners as pro- vided by this Act.</i>		
8. For every Box, Crib, Cruive, or Drum Net in any Weir for taking Salmon	10	0	0

Note.— Fisheries for Salmon claimed to be
 "Several Fisheries," whether fished by means of
 fixed Weirs with Boxes, Cruives, or Rails for stop-
 ping the Fish, or by means of the Fish being stopped
 by Rocks or other natural or artificial Obstructions,
 and taken by means of Draft or other Nets

*To be rated at
 Ten per Cent. on
 Poor Law Valua-
 tion, unless such
 Per-centage be re-
 duced by the Com-
 missioners or by
 the Conservators,
 as provided by
 this Act.*

Fisheries (Ireland) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Section.

Corresponding Clauses in
former Acts.

- | | |
|--------------------------------|-----------------------------|
| 1. Short Title. | |
| 2. Commencement of Act. | |
| 3. Definition of Terms - - - - | 24 & 25 Vict. c. 109. s. 4. |

INLAND FISHERIES.

Prohibition of certain Modes of destroying Fish.

- | | |
|---|------------------------------|
| 4. Penalty on mixing poisonous Substances in Rivers - - - - | 24 & 25 Vict. c. 109. s. 5. |
| 5. Power to have Question under preceding Section decided by Jury - - - - | 24 & 25 Vict. c. 109. s. 6. |
| 6. Effect of Issue - - - - | 24 & 25 Vict. c. 109. s. 7. |
| 7. Penalty on fishing with Lights, Spears, &c. - | 24 & 25 Vict. c. 109. s. 8. |
| 8. Penalty on using Roe as a Bait - - - | 24 & 25 Vict. c. 109. s. 9. |
| 9. Penalty on using certain Nets - - - | 24 & 25 Vict. c. 109. s. 10. |
| 10. Penalty on placing or fixing fixed Engines; Saving Rights under Grant, Charter, or immemorial Usage - - - - | 24 & 25 Vict. c. 109. s. 11. |
| 11. Penalty on using certain Dams for catching Salmon - - - - | 24 & 25 Vict. c. 109. s. 12. |

Prohibition of the Destruction of unseasonable Fish.

- | | |
|--|------------------------------|
| 12. Penalty on taking unclean Fish - - - | 24 & 25 Vict. c. 109. s. 14. |
| 13. Penalty on taking the Young of Salmon - | 24 & 25 Vict. c. 109. s. 15. |
| 14. Penalty on disturbing Fish when spawning - | 24 & 25 Vict. c. 109. s. 16. |

Restrictions as to Times of Fishing.

- | | |
|---|---|
| 15. Close Time - - - - | 24 & 25 Vict. c. 109. s. 17. |
| 16. Commissioners empowered to alter the Close Season in any River or District upon Inquiry had and Proof that such Alteration is expedient - - - - | 5 & 6 Vict. c. 106. s. 103.
7 & 8 Vict. c. 108. s. 4.
11 & 12 Vict. c. 92. s. 39. |
| 17. Decision of Commissioners as to Close Season shall be published - - - - | 5 & 6 Vict. c. 106. s. 34. |
| 18. Close Season thus determined to continue for Three Years, and until like Proceedings for Alteration shall be again had - - - | 5 & 6 Vict. c. 106. s. 35. |
| 19. Penalty on selling Fish during Close Time - | 24 & 25 Vict. c. 109. s. 19. |
| 20. Removal of fixed Engines during Close Time { | 24 & 25 Vict. c. 109. s. 20.
5 & 6 Vict. c. 109. s. 37. |
| 21. Weekly Close Time - - - - | 24 & 25 Vict. c. 109. s. 21. |
| 22. A free Passage to be left through Cribs or Traps during Weekly Close Time - - - | 24 & 25 Vict. c. 109. s. 22. |

[Bill 170.]

Section.

Fish Passes.

23. Commissioners may attach Fish Passes to existing Dams - - - - -	24 & 25 Vict. c. 109. s. 23.
24. Notice required before Commissioners give Consent - - - - -	24 & 25 Vict. c. 109. s. 24.
25. Fish Passes to be attached to future Dams - - - - -	24 & 25 Vict. c. 109. s. 25.
26. Supply of Water to Fish Passes - - - - -	24 & 25 Vict. c. 109. s. 26.

Restrictions as to Fishing Weirs.

27. Construction of Free Gaps - - - - -	24 & 25 Vict. c. 109. s. 27.
28. CLAUSE A.—Extension of Weekly Close Time in place of Free Gap. - - - - -	
29. Enforcing Free Gaps in Fishing Weirs - - - - -	24 & 25 Vict. c. 109. s. 28.
30. Construction of Boxes and Cribs in Fishing Weirs and Fishing Mill Dams - - - - -	24 & 25 Vict. c. 109. s. 29.
31. Construction of Spur Walls in Fishing Weirs or Fishing Mill Dams. - - - - -	24 & 25 Vict. c. 109. s. 29.
32. Stop Nets, Still Nets, and Standing Nets prohibited - - - - -	10 Car. 1. sess. 3. c. 14.
33. <i>Eels</i> .—Fixed Nets or Engines for the taking of Eels shall not be set in Inland Rivers between 10th of January and 1st of July - }	5 & 6 Vict. c. 106. ss. 31 and 77.
34. None shall take the Fry of Eels - - - - -	1 Eliz. c. 17. ss. 1 and 2.
35. Penalty on using certain Nets in Inland Waters - - - - -	8 & 9 Vict. c. 108. s. 11. 1 Eliz. c. 17. s. 3.
36. CLAUSE B.—Nets not to cross Rivers injuriously to Passage of Fish - - - - -	24 & 25 Vict. c. 109. s. 10.
37. CLAUSE C.—Not to be used within Half a Mile of narrow Mouths of Rivers - - - - -	5 & 6 Vict. c. 106. s. 27. 13 & 14 Vict. c. 66. s. 44.
38. CLAUSE D.—Where Free Gaps may be made in Mill-dams. - - - - -	5 & 6 Vict. c. 106. s. 27.
39. Penalty on Persons throwing or allowing Matters poisonous to Fish to flow into inland Waters - - - - -	5 & 6 Vict. c. 106. s. 80.
40. No fishing with Nets in inland Waters during Close Season for Salmon - - - - -	5 & 6 Vict. c. 106. s. 66.
41. Additional Powers to enforce Observance of the Weekly and other Close Times - - - - -	8 & 9 Vict. c. 108. s. 10.

Licences.

42. CLAUSE E.—All Engines, Nets, &c. for Salmon Fishing, &c. to be licensed and pay an annual Duty - - - - -	11 & 12 Vict. c. 92. s. 8. 11 & 12 Vict. c. 92. s. 30.
43. CLAUSE F.—Licences not to confer Rights not otherwise possessed; and not to alter Rights of Parties - - - - -	11 & 12 Vict. c. 92. s. 31.
Saving of Remedies against illegal Weirs and Engines. - - - - -	

Section.

LEGAL PROCEEDINGS.

44. Recovery of Penalties	-	-	-	24 & 25 Vict. c. 109. s. 35. 11 & 12 Vict. c. 92. s. 35. 11 & 12 Vict. c. 92. s. 35. 21 & 21 Vict. c. 100. s. 28. 5 & 6 Vict. c. 106. s. 99.
45. Appeal from Convictions to Quarter Sessions				5 & 6 Vict. c. 106. s. 100.
46. Appeal against Dismissal	-	-	-	5 & 6 Vict. c. 106. s. 103.
47. Illegal Nets shall be brought before Magis- trates at Petty Sessions, and destroyed; and legal Nets, when used illegally, shall, upon being forfeited, be sold				1 Geo. 1. stat. 2. c. 18. ss. 6 and 14. 18 Geo. 3. c. 33. s. 4.
48. Persons unlawfully erecting or keeping up a Weir on a River after Notice forfeit 50 <i>l.</i> , with Costs of Suit. If continued seven days after Judgment any Person may prostrate it				26 Geo. 3. c. 50. (I.) ss. 8. and 9.
49. Penalties for erecting or re-erecting Weirs after Conviction	-	-	-	13 & 14 Vict. c. 88. s. 17.
50. CLAUSE G.—Abatement of new illegal Weirs injurious to Navigation	-	-	-	41 Hen. 7. c. 5. (E.) and 14 & 15 Hen. 8. c. 13. (E.), 28 Hen. 8. c. 22., and 5 Geo. 2. c. 5. (I.) 13 & 14 Vict. c. 88. s. 54.
51. Courts may award Costs	-	-	-	24 & 25 Vict. c. 109. s. 36.
52. Offences on Rivers may be tried in County on either Side	-	-	-	24 & 25 Vict. c. 109. s. 37.
53. Offences committed on Sea Coast where to be tried	-	-	-	24 & 25 Vict. c. 109. s. 38.
54. Saving Clause for dredging	-	-	-	
55. Justices of the Peace, being Conservators, not disqualified from sitting at the Trial of Offences against this Act	-	-	-	13 & 14 Vict. c. 88. s. 11.
56. Nothing to affect or impair Jurisdiction of Admiralty and other Courts	-	-	-	13 & 14 Vict. c. 88. s. 19.
58. CLAUSE H.—Repeal of Acts	-	-	-	See 24 & 25 Vict. c. 109. s. 39.

SCHEDULES.

27 June 1862. 25 & 26 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Assimilate the Law of Ireland as to Sea-coast and
Inland Fisheries to that of England.

WHEREAS it is expedient to amend the Laws relating to Fisheries of Ireland, and to assimilate the same so far as need be to the Laws of England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Fishery Short Title.
10 (Ireland) Act, 1862."

2. This Act shall not come into operation until the First Day of
October One thousand eight hundred and sixty-two.

3. In this Act, unless there is something inconsistent in the Context, the Words and Expressions herein-after mentioned shall have respectively the Meanings hereby assigned to them; (that is to say,)

[Bill 170.]

A

" Person "

Preamble.

Commence-
ment of Act.

Definition of
Terms.
24 & 25 Vict.
c. 109. s. 4.

- “ Person ” shall include any Body of Persons, corporate or unincorporate :
- “ Salmon ” shall include all migratory Fish of the Genus Salmon, whether known by the Names herein-after mentioned, that is to say, Salmon, Grilse, Peal, Sea Trout, White Trout, Fry, Samlet, Smolt, Parr, Sprats, Jenkin, Spawn, Gravelling, or by any other local Name :
- “ Young of Salmon ” shall include all Young of the Salmon Species, whether known by the Names of Fry, Samlet, Smolt, Par, Spawn, Jenkin, Gravelling, or by any other Name, local or otherwise :
- “ Tidal Waters ” shall include the Sea, and all Rivers, Creeks, Streams, and other Water as far as the Tide flows and reflows :
- “ Inland Waters ” shall mean all Waters that are not tidal Waters :
- “ Dam ” shall mean all Weirs and other fixed Obstructions used for the Purpose of damming up Water :
- “ Fishing Weir ” shall mean a Dam used for the exclusive Purpose of catching or facilitating the catching of Fish :
- “ Fishing Mill Dam ” shall mean a Dam used or intended to be used partly for the Purpose of catching or facilitating the catching of Fish, and partly for the Purpose of supplying Water for Milling or other Purposes :
- “ Fixed Engine ” shall mean Stake Nets, Bag Nets, and all fixed Implements or Engines for catching or for facilitating the catching of Fish, save Fishing Weirs and Fishing Mill Dams :
- “ The Commissioners ” shall mean the Commissioners of Public Works and the Inspecting Commissioner of Fisheries in Ireland for the Time being appointed for carrying this Act into execution.

INLAND FISHERIES.

30

Prohibition of certain Modes of destroying Fish.

Penalty on
mixing
poisonous
Substances
in Rivers.
24 & 25 Vict.
c. 109. s. 5

4. Every Person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any Waters containing Salmon or Trout, or into any Tributaries thereof, any liquid or solid Matter to such an Extent as to injure, poison, or kill Fish, shall incur the following Penalties ; (that is to say,) 35

- (1.) Upon the First Conviction a Penalty not less than One Pound and not exceeding Five Pounds :
- (2.) Upon the Second Conviction a Penalty not less than Five Pounds and not exceeding Ten Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Offence is continued : 40
- (3.) Upon the Third or any subsequent Conviction, a Penalty not less than Ten Pounds and not exceeding Twenty Pounds a Day

Day for every Day during which such Offence is continued, commencing from the Date of the Third Conviction:

But no Person shall be subject to the foregoing Penalties for any Act done in the Exercise of any Right to which he is by Law entitled, if he prove to the Satisfaction of the Court before whom he is tried that he has used the best practicable Means, within a reasonable Cost, to render harmless the liquid or solid Matter so permitted to flow or to be put into Waters; but nothing herein contained shall prevent any Person from acquiring a legal Right in Cases where he would have acquired it if this Act had not passed, or exempt any Person from any Punishment to which he would otherwise be subject, or legalize any Act or Default that would but for this Act be deemed to be a Nuisance or otherwise be contrary to Law.

5. Where any Proceedings are instituted by any Complainant against any Person for the Recovery of any Penalties alleged to have been incurred by him under the last preceding Section, if such Person, herein-after referred to as "the Defendant," on appearing before the Justices constituting the Court by which he is to be tried in pursuance of this Act, alleges, by way of Defence, that he has used the best practicable Means, within a reasonable Cost, to render such Matter harmless, and proves to the Satisfaction of the Court that in the event of the Complaint being decided against him the Expense of permanently preventing the Matter complained of would, exclusive of Costs, exceed One hundred Pounds, and gives Security, to be approved by such Court, duly to prosecute his Appeal and to abide the Event thereof, all Proceedings before the Justices shall be stayed, and it shall be lawful for such Complainant to bring an Action in One of Her Majesty's Superior Courts of Law against the Defendant; and the Plaintiff in such Action shall deliver to the Defendant an Issue or Issues whereby the Question whether he has used the best practicable Means, within a reasonable Cost, to render such Matter harmless may be tried; and the Form of such Issue or Issues, in case of Dispute, or in the Case of Nonappearance of the Defendant, shall be settled by the Court in which the Action is brought, and such Action shall be prosecuted and Issue or Issues tried in the same Manner and subject to the same Incidents in and subject to which Actions are prosecuted and Issues tried in other Cases within the Jurisdiction of such Court, or as near thereto as Circumstances admit.

Power to have Question under preceding Section decided by Jury.
24 & 25 Vict. c. 109. s. 6.

6. The Verdict of the Jury on such Issue shall, unless the Court before which the same is tried orders a new Trial, be conclusive as to the Questions involved in any subsequent Proceedings that may be had for the Recovery of any Penalties in pursuance of the said

Effect of Issue.
24 & 25 Vict. c. 109. s. 7.

Section, and any Costs that may have been incurred before the Justices by the Parties to such Action as is mentioned in this Section shall be deemed to be Costs incurred in such Action, and be payable accordingly.

Penalty on
fishing with
Lights,
Spears, &c.
24 & 25 Vict.
c. 109. s. 8.

7. No Person shall do the following Things or any of them; that 5
is to say,

- (1.) Use any Light for the Purpose of catching Salmon or Trout:
- (2.) Use any Spear, Gaff, Strokehall, Snatch, Otter, or Board commonly called Otter, or other like Instrument or Contrivance for catching Salmon or Trout: 10
- (3.) Have in his Possession a Light or any of the foregoing Instruments under such Circumstances as to satisfy the Court before whom he is tried that he intended at the Time to catch Salmon by means thereof:

And any Person acting in contravention of this Section, or assisting 15
or accompanying any Person so offending, shall incur a Penalty not less than One Pound nor exceeding Ten Pounds, and shall forfeit any Instruments used by him or found in his Possession in contravention of this Section; but this Section shall not apply to any Person using a Gaff as auxiliary to angling with a Rod and Line. 20

Penalty on
using Roe
as a Bait.
24 & 25 Vict.
c. 109. s. 9.

8. No Person shall do the following Things or any of them; that is to say,

- (1.) Use any Fish Roe for the Purpose of fishing:
- (2.) Buy, sell, or expose for Sale, or have in his Possession, any Salmon Roe: 25

And any Person acting in contravention of this Section shall for each Offence incur a Penalty not less than Ten Shillings and not exceeding Two Pounds, and shall forfeit all Salmon Roe found in his Possession; but this Section shall not apply to any Person who uses or has in his Possession Salmon Roe for artificial Propagation or other 30
scientific Purposes, or gives any Reason satisfactory to the Court by whom he is tried for having the same in his Possession.

Penalty on
using certain
Nets.
24 & 25 Vict.
c. 109. s. 10.

9. No Person shall take or attempt to take Salmon with any Net having a Mesh of less Dimensions than One and Three Quarters Inches in extension from Knot to Knot (the Measurement to be 35
made on each Side of the Square), or Seven Inches measured round each Mesh when wet; and any Person acting in contravention of this Section shall forfeit all Nets and Tackle used by him in so doing, and shall for each Offence incur a Penalty not less than One Pound and not exceeding Five Pounds, and a Forfeiture of such Net; 40
and the placing Two or more Nets behind or near to each other in such Manner as to practically diminish the Mesh of the Nets used,
or

or the covering the Nets used with Canvas, or the using any other Artifice so as to evade the Provisions of this Section with respect to the Mesh of Nets, shall be deemed to be an Act in contravention of this Section.

- 5 **10.** No fixed Engine of any Description shall be placed or used for catching Salmon or Trout in any inland or tidal Waters; and any Engine placed or used in contravention of this Section may be taken possession of or destroyed; and any Engine so placed or used, and any Salmon taken by such Engine, shall be forfeited, and, in addition
 10 thereto, the Owner of an Engine placed or used in contravention of this Section shall, for each Day of so placing or using the same, incur a Penalty not exceeding Ten Pounds; and for the Purposes of this Section a Net that is secured by Anchors, or otherwise fixed to the Soil or made stationary in any other Way, shall be deemed
 15 to be a fixed Engine, but this Section shall not affect any ancient Right or Mode of Fishing of any Person by virtue of any Grant or Charter.

Penalty on placing or fixing fixed Engines.
 24 & 25 Vict. c. 109. s. 11.

Saving Rights under Grant, Charter, or immemorial Usage.

- 11.** The following Regulations shall be observed with respect to Dams:
 20 **(1.)** No Dam except such Fishing Weirs and Fishing Mill Dams as are or may be lawfully used by virtue of a Grant or Charter or immemorial Usage, shall be used for the Purpose of catching or facilitating the catching of Salmon:

Penalty on using certain Dams for catching Salmon.
 24 & 25 Vict. c. 109. s. 12.

- 25 1. Any Person catching or attempting to catch Salmon in contravention of this Section shall incur a Penalty not less than One Pound and not exceeding Five Pounds for each Offence, and a further Penalty not exceeding One Pound for each Salmon which he catches:
 30 2. All Traps, Nets, and Contrivances used in or in connexion with the Dam for the Purpose of catching Salmon shall be forfeited:
 3. All Salmon caught in contravention of the above Prohibition shall be forfeited:

And no Fishing Mill Dam, although lawfully used as aforesaid, shall
 35 be used for the Purposes of catching or facilitating the catching of Salmon unless it have attached thereto a Fish Pass in such a Position, and of such Form and Dimensions as shall be approved of by the Commissioners, nor unless such Fish Pass has constantly running through it such a Flow of Water as will, in the Opinion
 40 of the Commissioners, enable Salmon to pass up and down such Pass.

- (2.)** And if any Person acts in contravention of the foregoing Provisions,

[170.]

A 3

1. He

1. He shall incur a Penalty not less than Five and not exceeding Ten Pounds for each Offence, and a further Penalty not less than One Pound for every Salmon so caught :
2. He shall forfeit all Salmon caught in contravention of this Section, and all Nets or other Instruments used or placed for catching the same.

Prohibition of the Destruction of unseasonable Fish.

Penalty on
taking un-
clean Fish.
24 & 25 Vict.
c. 109. s. 14.

12. No Person shall do any of the following Things ; that is to say,

- (1.) Wilfully take any unclean or unseasonable Salmon or Trout ; 10
- (2.) Buy, sell, or expose for Sale, or have in his Possession, any unclean or unseasonable Salmon or Trout, or any Part thereof :

And any Person acting in contravention of this Section shall incur the following Penalties ; that is to say,

- (1.) He shall forfeit any Fish taken, bought, sold, or exposed for Sale, or in his Possession ; 15
- (2.) He shall incur a Penalty not less than Ten Shillings and not exceeding Five Pounds in respect of each Fish or any Part thereof taken, sold, or exposed for Sale, or in his Possession : 20

But this Section shall not apply—

- (1.) To any Person who takes such Fish accidentally, and forthwith returns the same to the Water with the least possible Injury : 25
- (2.) To any Person who takes or is in possession of such Fish for artificial Propagation or other scientific Purposes.

Penalty on
taking the
Young of
Salmon.
24 & 25 Vict.
c. 109. s. 15.

13. No Person shall do the following Things or any of them ; that is to say,

- (1.) Wilfully take or destroy the Young of Salmon ; 30
- (2.) Buy, sell, or expose for Sale, or have in his Possession, the Young of Salmon ;
- (3.) Place any Device for the Purpose of obstructing the Passage of the Young of Salmon ;
- (4.) Wilfully injure the Young of Salmon ; 35
- (5.) Wilfully disturb any Spawning Bed, or any Bank or Shallow on which the Spawn of Salmon may be :

And any Person acting in contravention of this Section shall incur the following Penalties ; that is to say,

- (1.) He shall forfeit all the Young of Salmon found in his Possession ; 40
- (2.) He shall forfeit all Rods, Lines, Nets, Devices, and Instruments used in committing any of the above Offences ;
- (3.) He

(3.) He shall for each Offence pay a Penalty not less than Ten Shillings and not exceeding Five Pounds:

But nothing herein contained shall apply to any Person who may have obtained such Young of Salmon for artificial Propagation or
5 other scientific Purposes.

14. If any Person wilfully disturbs or attempts to catch Salmon or Trout when spawning, or when on or near their Spawning Beds, he shall for each Offence incur a Penalty not less than One Pound and not exceeding Five Pounds; but this Section shall not apply
10 to any Person who with the written Consent of the Commissioners may catch or attempt to catch Salmon for the Purposes of artificial Propagation or other scientific Purposes.

Penalty on disturbing Fish when spawning.
24 & 25 Vict. c. 109. s. 16.

Restrictions as to Times of Fishing.

15. No Person shall fish for, catch, or attempt to catch, or kill Salmon or Trout between the Days herein-after mentioned (which Interval is herein referred to as the Close Season); that is to say, between the First Day of September and the First Day of February, both inclusive, except only that it shall be lawful to fish with a single Rod and Line between the First Day of September and the
20 First Day of November, both inclusive; and any Person acting in contravention of this Section shall forfeit any Salmon or Trout caught by him, and shall in addition thereto incur a Penalty of not less than One Pound and not exceeding Five Pounds, and a further Penalty of not less than One Pound and not exceeding Two Pounds in respect
25 of each Salmon so caught: Provided always, that the Close Seasons now in force in the different Districts shall continue in force unless and until the same shall be changed by the Commissioners pursuant to the Provisions of this Act; and provided also, that the Penalties hereby imposed for the Purpose of prohibiting the killing of Fish
30 during the Close Season shall apply to the said Close Seasons respectively.

Close Time.
24 & 25 Vict. c. 109. s. 17.

16. It shall be lawful for the Commissioners, if they shall so think fit, upon the Application of any Person possessed of or interested in any Fishery, to call a Meeting of the Persons possessed of or
35 interested in any Fishery, giving Notice of the Day and Place appointed for such Meeting, not less than Fourteen Days from the Date of such Notice, by printed Handbills and Advertisement to be inserted in some Newspaper or Newspapers circulating in the County or Counties within which or on the Coast whereof such
40 Fishery is in whole or in part situated; and it shall be lawful for the Commissioners, or any Inspector appointed by them, to issue Summonses for Witnesses to attend and give Evidence with respect

Commissioners empowered to alter the Close Season in any River or District upon Inquiry had and Proof that such Alteration is expedient.
5 & 6 Vict. c. 106. s. 103.
7 & 8 Vict. c. 108. s. 4.
and 11 & 12 Vict. c. 92. s. 39.

to such Fishery; and the Commissioners, or any One of them or any Inspector of Fisheries appointed by them, shall hear and receive all such pertinent Evidence as shall be offered to them on the Subject of such Fishery, and shall examine and inquire into the same upon Oath, which they or he are or is hereby empowered to administer, or 5 otherwise, and by all such Means as may be deemed expedient by them or him; and the Commissioners may, if they shall so think fit, decide that the Period appointed for the Close Time of such Fishery in any Locality, or with respect to any River, or Part of any River, respectively shall cease, and that such other Period as shall be 10 fixed upon by them as the Close Time for any such Fishery as aforesaid or any Part thereof, shall be kept and observed in lieu thereof, or alter, if so required as aforesaid, the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of any Weirs whatever, or make use of fixed Engines for 15 taking Eels: Provided always, that the Open Season for Salmon and Trout Fishing shall not in any Case be allowed to commence before the First Day of February, nor to continue longer than the First Day of September, save for Rod Fishing as aforesaid.

Decision of
Commis-
sioners as to
Close Season
shall be pub-
lished.
5 & 6 Vict.
c. 106. s. 34.

17. The Decision as to the Close Time of any District, or of any 20 Lake or River, shall be published in the Dublin Gazette and in some Newspaper circulating in the County or Counties within which such District is in whole or in part situated, or such Lake or River is situate, or in whole or in part flows, and a Copy thereof lodged in the Office or Offices of the Clerk or Clerks of the Peace for each County in 25 which it is proposed such Decision shall take effect, and with the Clerks of Petty Sessions for each District in which it is proposed such Decision shall take effect; and the Commissioners shall give to said Decision such further Publicity, either by the posting of Handbills or otherwise, as to them shall seem fit; and for the Purpose of convicting 30 any Person or Persons offending against such Decision a Copy of the Gazette containing such Decision, or a certified Copy of such Decision obtained from the Office of the Clerk of the Peace with whom the same may be lodged, and who is hereby required to furnish the same on Payment of a Sum not exceeding Sixpence, shall be conclusive 35 Evidence of the Existence of such Decision and the due Publication thereof: Provided always, that in case the Commissioners shall decide upon altering the Close Season herein fixed for such Fisheries as aforesaid, such Change or Alteration shall not commence and take Effect until the Expiration of Six Weeks from the Date of the 40 Publication of said Decision in the Dublin Gazette.

Close Season
thus deter-
mined to

18. The Close Time so fixed shall be the Annual Close Time of the District or of the Lake or River in respect of which such Decision shall

shall have been made, instead of the Time mentioned in this Act, and shall be observed and kept as if the Time so determined by the Commissioners had been mentioned in this Act, and shall thereafter continue so to be until changed by the Commissioners; and at any
 5 Time after the Expiration of Three Years from the Commencement thereof, or at any Time after the Expiration of a like Period of Three Years from the Commencement of any subsequent Change to be made in pursuance of the Provisions of this Act, it shall and may be lawful for the Commissioners, upon the like Application, and if upon like
 10 Inquiry they shall so think fit, again to change the same; and the same Proceedings towards the so doing as are herein-before prescribed in relation to the First Change shall take place on each such future Change, and the same Provisions shall apply thereto.

continue for Three Years, and until like Proceedings for Alteration shall be again had.
 5 & 6 Vict.
 c. 106. s. 35.

19. No Person shall buy, sell, or expose for Sale, or have in
 15 his Possession, any Salmon or Trout or Part thereof between the First Day of September and the First Day of February; and any Person acting in contravention of this Act shall forfeit any Fish so bought, sold, or exposed for Sale, or in his Possession, and shall incur a Penalty not less than Ten Shillings and not exceeding Two
 20 Pounds for each such Fish; but this Section shall not apply to any Person buying, selling, or exposing for Sale, or having in his Possession, Salmon or Trout cured, pickled, or dried, or any Salmon or Trout caught with a single Rod and Line; nevertheless the Burden of proving any fresh Salmon that is sold, or exposed, or in the Posses-
 25 sion of any Person during the said Close Season to have been caught by a single Rod and Line shall lie on the Person selling or exposing the same for Sale, or having the same in his Possession; but this Section shall not apply to any Person who, with the written Consent of the Commissioners, may have in his Possession any Salmon or
 30 Trout for the Purposes of artificial Propagation or other scientific Purposes.

Penalty on selling Fish during Close Time.
 24 & 25 Vict.
 c. 109. s. 19.

20. The Proprietor or Occupier of every Fishery for Salmon or Trout shall, within Thirty-six Hours after the Commencement of the Close Season, cause to be removed and carried away from the Waters
 35 within his Fishery the Incales, Hecks, Tops, and Rails of all Cruives, Boxes, or Cribs, and all Planks and temporary Fixtures used for taking or killing Salmon or Trout, and all other Obstructions to the free Passage of Fish in or through the Cruives, Cribs, and Boxes within his Fishery, and also all Nets used for the taking of Salmon or
 40 Trout, and shall not again place or allow the same to be placed therein until within Thirty-six Hours of the Commencement of the open Season; and if any Proprietor or Occupier omits to remove and carry away in manner aforesaid any Things hereby required to be removed
 [170.] B and

Removal of fixed Engines during Close Time.
 24 & 25 Vict.
 c. 109. s. 20.

5 & 6 Vict.
 c. 106. s. 37.

and carried away, or places or allows the same to be placed therein within the Time herein specified, he shall incur the following Penalties ; (that is to say;)

- (1.) He shall forfeit all such Engines and other Things :
- (2.) He shall, for every Day during which he suffers such Things 5 to remain during the Period hereby prohibited, pay a Sum not less than Ten and not exceeding Fifty Pounds.

Weekly
Close Time.
24 & 25 Vict.
c. 109. s. 21.

21. No Person shall fish for, catch, or kill by any Means other than a single Rod and Line, any Salmon or Trout, or in any Manner whatever scare, impede, or obstruct the free Passage of 10 Salmon or Trout between the Hour of Twelve of the Clock at Noon on Saturday and the Hour of Six of the Clock on Monday Morning; and any Person acting in contravention of this Section shall forfeit all Fish taken by him, and any Net or move-able Instrument used by him in taking the same, and in addition 15 thereto shall incur a Penalty not less than Ten and not exceeding Fifty Pounds, and a further Penalty not exceeding One Pound in respect of each Fish so taken between Twelve of the Clock at Noon on Saturday and Six of the Clock on Monday Morning.

A free
Passage to be
left through
Cribs or
Traps during
Weekly
Close Time.
24 & 25 Vict.
c. 109. s. 22.

22. The Proprietor or Occupier of every Fishery shall, between 20 Twelve of the Clock at Noon on Saturday and Six of the Clock on the Monday Morning following, maintain a clear Opening, of not less than Four Feet in Width from the Bottom to the Top, through all Cribs, Boxes, or Cruives within his Fishery, so that a free Space of that Width is effectually secured for the Passage of Fish 25 up and down through each Box, Crib, or Cruive, whether used for the Purpose of fishing or not; and shall, for the Purpose of maintaining such Opening, remove the Rails of all such Boxes, Cribs, or Cruives; and any Person acting in contravention of this Section shall incur the following Penalties: 30

- (1.) He shall for each Offence pay a Sum not less than Ten and not exceeding Fifty Pounds, and a further Penalty not exceeding One Pound for each Fish so taken :
- (2.) He shall forfeit every Fish caught in contravention of this Section: 35

Fish Passes.

Commission-
ers may
attach Fish
Passes to ex-
isting Dams.
24 & 25 Vict.
c. 109. s. 23.

23. The Commissioners may, on the written Application of any Person interested in the Fishery of any River or Lake, and at the proper Costs and Charges of such Person, attach to every Dam existing at the Time of the passing of this Act, or to any natural 40 Obstruction in any River or Lake, a Fish Pass, of such Form and Dimensions as they may approve, so that no Injury be done to the the

the Milling Power or to the Supply of Water to or of any navigable River, Canal, or other Inland Navigation by such Fish Pass; and any Person obstructing any Person legally authorized in erecting or doing any necessary Act to erect or maintain such Fish Pass shall incur a Penalty not less than Five Pounds and not exceeding Ten Pounds for each Act of Obstruction; and any Person injuring such Fish Pass shall pay the Expense of repairing the Injury, such Expense to be recovered in a summary Manner, and, in addition thereto, if such Injury is wilful, shall incur a Penalty not less than Two Pounds and not exceeding Five Pounds; and any Person doing any Act for the Purpose of scaring, impeding, obstructing, or preventing Salmon from passing through a Fish Pass, or taking any Salmon in its Passage through the same, shall incur a Penalty not less than Two Pounds and not exceeding Five Pounds for a First Offence, and not less than Ten Pounds for each subsequent Offence, and shall forfeit any Salmon taken by him in contravention of this Section, and any Instrument used by him in taking the same.

24. The Commissioners shall not give their Consent to the Attachment of a Fish Pass to any Dam or natural Obstruction in any River, in pursuance of the last preceding Section, unless it is proved to the Satisfaction of the Commissioners that Notice has been served on the Owner of such Dam of the Intention to apply for such Consent, and that he has at the same Time been furnished with Plan and Specification of the Fish Pass which is proposed to be erected, a reasonable Time before such Application; and it shall be lawful for such Owner to urge any Objections he may think fit to the Commissioners against their giving their Consent, and they shall take any Objections so made into consideration before they give their Consent to the Attachment of the Fish Pass.

Notice required before Commissioners give Consent.

24 & 25 Vict. c. 109. s. 24.

25. Every Person who, after the passing of this Act, in Waters where Salmon or Trout are found, constructs a new Dam, or raises or alters, so as to create increased Obstruction to Fish, a Dam already constructed, shall attach and maintain attached thereto in an efficient State a Fish Pass of such Form and Dimensions as may be determined by the Commissioners, and if he do not, such Person shall incur a Penalty not less than Five and not exceeding Fifty Pounds; and it shall be lawful for the Commissioners to cause to be done any Work by this Section required to be done by such Person, and to recover the Expense of doing the same in a summary Manner from the Person in default; but this Section shall not authorize anything to be done which may injuriously affect any navigable River, Canal, or Inland Navigation, nor shall anything in this or the last preceding

Fish Passes to be attached to future Dams.

24 & 25 Vict. c. 109. s. 25.

Section prevent any Person from removing a Fish Pass for the Purpose of repairing or altering a Dam, so that within a reasonable Time he restore such Fish Pass in as an efficient a State as it was before he removed the same.

Supply of
Water to
Fish Passes.
24 & 25 Vict.
c. 109. s. 26.

26. Where a Fish Pass is attached to any Dam, in pursuance of this Act, the Sluices, if any, for drawing off the Water which would otherwise flow over the Dam shall be kept shut at all Times when the Water is not required for Milling Purposes, and also at all Seasons of the Year for Twenty-four consecutive Hours in each Week between the Hours of Six o'Clock on Saturday Evening and Six o'Clock on Monday Morning, in such Manner as to cause such Water to flow through the Fish Pass; and any Person making default in complying with the Requisitions of this Section shall incur a Penalty not exceeding Five Shillings per Hour for every Hour during which such Default continues; but this Section shall not preclude any Person from opening a Sluice for the Purpose of letting off Water in Cases of Flood, or for Milling Purposes, or when necessary for the Purposes of Navigation, or for cleaning or repairing any Dam or Mill or the Appurtenances thereof.

Restrictions as to Fishing Weirs.

Construction
of Free Gaps.
24 & 25 Vict.
c. 109. s. 27.

27. Where any Fishing Weir extends more than halfway across any Stream at its lowest State of Water, it shall have a Free Gap or Opening in accordance with the Regulations following, under the Powers of this Act; that is to say,

- (1.) The Free Gap shall be situate in the deepest Part of the Stream between the Points where it is intercepted by the Weir:
- (2.) The Sides of the Gap shall be in a Line with and parallel to the Direction of the Stream at the Weir:
- (3.) The Bottom of the Gap shall be level with the natural Bed of the Stream above and below the Gap:
- (4.) The Width of the Gap in its narrowest Part shall be not less than One Tenth Part of the Width of the Stream: Provided always, that such Gap shall not be required to be wider than Forty Feet, and shall not in any Case be narrower than Three Feet; and provided also, that no existing Gap in any Weir shall be reduced in Width, or a Gap of less Width substituted in lieu thereof, or any Alteration made therein so as to reduce the Flow of Water through such Gap.

CLAUSE A.
Extension
of Weekly
Close Time
in place of
Free Gap.

28. Provided always, That in any Case where the Breadth of the River, where any Chartered or Patent Fishery now exists, shall not exceed Fifty Feet, and it might be inexpedient to require a Free Gap

Gap to be made therein, the Commissioners may, if they think fit, instead thereof, direct by their Order the Extension of the Weekly Close Time for a Period of Twenty-four Hours.

29. The following Rules shall be observed for the Purpose of
 5 enforcing efficient Free Gaps in Fishing Weirs; that is to say, Enforcing
Free Gaps
in Fishing
Weirs.
24 & 25 Vict.
c. 109. s. 28.

(1.) Where a Weir is without a legal Free Gap at the Time of the
 Commencement of this Act the Owner of such Weir shall
 within Twelve Months after the Commencement of this Act
 make such a Gap, and if he does not he shall incur a Penalty
 10 not less than Five and not exceeding Fifty Pounds for every
 Day after the Expiration of such Period of Twelve Months
 during which he does not make such Gap :

(2.) Where a Free Gap has been made in a Weir, but the same is
 not maintained in accordance with this Act, the Owner of such
 15 Weir shall incur a Penalty not exceeding Five Pounds a Day
 for each Day he is in default :

(3.) No Alteration shall be made in the Bed of any River in such
 Manner as to reduce the Flow of Water through a Free Gap ;
 if it is, the Person making the same shall incur a Penalty not
 20 less than Five and not exceeding Fifty Pounds, and a further
 Penalty of One Pound a Day until he restores the Bed of the
 River to its original State :

(4.) No Person shall place any Obstruction, use any Contrivance,
 or do any Act whereby Fish may be scared, deterred, or in any
 25 way prevented from freely entering and passing up and down
 a Free Gap at all Periods of the Year, or shall use any
 Nets or other Engines within Fifty Yards above or below any
 Free Gap ; and any Person placing any Obstruction, using
 any Contrivance, Net, or Engine, or doing any Act in con-
 30 travention of the Regulation lastly herein-before contained,
 shall incur a Penalty not less than Five and not exceeding
 Twenty Pounds for the First Offence, and not less than
 Ten and not exceeding Fifty Pounds for each subsequent
 Offence.

30. The following Rules shall be observed in relation to the Con-
 struction of Boxes and Cribs in Fishing Weirs and Fishing Mill
 Dams; that is to say, Construction
of Boxes
and Cribs
in Fishing
Weirs and
Fishing Mill
Dams.
24 & 25 Vict.
c. 109. s. 29.

(1.) The upper Surface of the Sill shall be level with the Bed of
 the River :

(2.) The Bars or Inscales of the Heck or Upstream Side of the
 Box or Crib shall not be nearer each other than Two Inches,
 and shall be capable of being removed, and shall be placed
 perpendicularly : The Boxes, Cribs, or Cruives shall not be

[170.] B 3 built

built over or in any other Manner hidden from public Inspection :

And the Owner of any Fishing Weir or Fishing Mill Dam that has attached thereto any Box or Crib in contravention of this Act shall bring the same into conformity with this Act within Six Months 5 after the Commencement of this Act; and he shall incur a Penalty not less than Five and not exceeding Twenty Pounds for every Day after the Expiration of such Period of Six Months during which he fails to comply with the Provisions of this Section; and any Owner failing so to maintain the same shall incur a Penalty not less than 10 One Pound and not exceeding Five Pounds for every Day during which such Failure continues.

Construction
of Spur
Walls in
Fishing
Weirs or
Fishing Mill
Dams.
24 & 25 Vict.
c. 109, s. 29.

31. There shall not be attached to any Box or Crib in any Fishing Weir or Fishing Mill Dam any Spur or Tail Wall; Leader, or Outrigger of a greater Length than Twenty Feet from the upper 15 or lower Side of such Box or Crib; and if any Box or Crib in any Fishing Weir or Fishing Mill Dam has any Walls, Leaders, or Outriggers in contravention of this Section, the Owner of the Weir or Fishing Mill Dam shall incur a Penalty not less than Five Pounds for every Day during the Continuance thereof: Provided always, that 20 in Cases of Dispute relative to any of the Matters mentioned in this and the Three last preceding Sections the same shall be determined by the Commissioners; and in case the Proprietor or Occupier of any Weir fails to comply with any of the Provisions of this and the Three last preceding Sections, it shall be lawful for the Commis- 25 sioners, by Warrant under their Hands, from Time to Time to order and direct the necessary Alterations to be made in any Weir, so as to make it conformable to the Provisions of this Act, and to recover the Expense thereof in a summary Manner from the Occupier or Proprietor of such Weir. 30

Stop Nets,
Still Nets,
and Stand-
ing Nets
prohibited.
See 10 Car.
1. sess. 3.
c. 14.

32. No Person shall use or set any Stop Nets, Still Nets, or Standing Nets, fixed upon Posts or otherwise in Rivers where Salmon pass up from the Sea, and if any Person shall be convicted in a summary Manner of using or setting any such Stop Nets, Still Nets, or Standing Nets, or of taking any Salmon or Trout with any such 35 Stop Nets, Still Nets, or Standing Nets, he shall incur for every such Offence a Penalty of not less than Five Pounds and not exceeding Twenty Pounds, and forfeit the Fish so caught, and also the Nets so used or set up.

Eels.

Fixed Nets
or Engines
for the tak-
ing of Eels

33. It shall not be lawful for any Person whatsoever, between the 40 Tenth Day of January and the First Day of July in any Year, or such other Close Season as is now in force or as the Commissioners may

may fix by any Order to be made under the Provisions of this Act, to hang or fix any Coghill, Eel, or other Net or Basket, or Basket Work, in the Eye, Gap, or Sluice of any Eel or other Weir, or in any Contrivance whatsoever in any River, or to make use of any Net or
 5 fixed Engine for taking Eels, or take or suffer to be taken therein any Salmon; or between the First Day of July in any Year and the Tenth Day of January in the Year following to keep or leave such Net, Basket, or other Engine set, or in the Water, between Sunrise and Sunset; and any Person offending against this Section shall for
 10 each Offence pay a Sum not less than Ten Shillings and not exceeding Five Pounds and shall forfeit such Net.

shall not be set in inland Rivers between 10th of January and 1st of July.
 5 & 6 Vict. c. 106.
 ss. 31 & 77.

34. No Person shall at any Time, by any Ways or Means, take or kill any young Brood, Spawn or Fry of Eels, under the Penalty of forfeiting for every Offence the Sum of Twenty Shillings, and the
 15 Fish so taken, and the Nets, Engines, Devices, and Instruments wherewith the Offence shall be committed.

None shall take the Fry of Eels.
 1 Eliz. c. 17.
 ss. 1 & 2.

35. No Person shall take or attempt to take any Fish (except Pollen or Eels) in inland Waters frequented by Salmon with any Net having a Mesh of less Dimensions than One and a Quarter Inches in
 20 extension from Knot to Knot (the Measurement to be made on each Side of the Square); or Five Inches measured round each Mesh when wet; and any Person acting in contravention of this Section shall forfeit all Nets used by him in so doing, and shall for each Offence incur a Penalty not exceeding Five Pounds, and the placing
 25 Two or more Nets behind or near to each other in such Manner as to practically diminish the Mesh of the Nets used, or the Covering the Nets used with Canvas, or the using any other Artifice so as to evade the Provisions of this Section with respect to the Mesh of Nets, shall be deemed to be an Act in contravention of this Section.

Penalty on using certain Nets in Inland Waters.
 See 8 & 9 Vict. c. 108. s. 11., and 1 Eliz. c. 17. s. 3.
 See 24 & 25 Vict. c. 109. s. 10.

36. No Person shall stretch a Net or Nets across any Part of any River in such a Manner as shall, in the Opinion of the Commissioners, be injurious or detrimental to the free Passage of Fish, and which they shall have prohibited by some Byelaw.

CLAUSE B.
 Nets not to cross Rivers injuriously to Passage of Fish;
 5 & 6 Vict. c. 106. s. 27.
 13 & 14 Vict. c. 66. s. 44.

37. Where the Breadth of the Mouth of any River frequented by
 35 Salmon shall not exceed a Quarter of a Mile at Low Water, no Person shall use any Nets or other Engines for the Capture of Salmon or Trout within Half a Mile of the Mouth of any River frequented by Salmon, such Mouth to be defined and mapped by the Commissioners in such Manner as they may approve; and any Person acting
 40 in contravention of this Section shall forfeit such Nets, and a Penalty not less than Five Pounds and not exceeding Ten Pounds:

CLAUSE C.
 nor be used within Half a Mile of narrow Mouths of Rivers.
 See 5 & 6 Vict. c. 106. s. 27.

Provided always, that this Section shall not apply to any Person having a private Right of Fishery by Charter or Patent within such Half Mile.

CLAUSE D.
Where Free
Gaps may
be opened
in Mill-dams.

38. Where it shall appear to the Commissioners that any Mill or Factory is not working, and has not been worked for at least Five 5 Years previously, it shall be lawful for the Commissioners to cause a Free Gap to be opened in any Dam sustaining the Water for such Mill or Factory; and such Free Gap shall be maintained in like Manner as Free Gaps in any Fishing Weir are by this Act provided, until such Mill or Factory shall be repaired and put into effective 10 Order for working; and then and in such Case it shall be lawful for the Owner of such Mill or Factory, with the Sanction of the Commissioners, to close up such Free Gap; and such Dam shall be then so altered, built, or constructed as to permit and allow of, in One or more Parts of the same, the free Passage of Fish through or over such 15 Dam at all Periods of the Year, in such Manner and by such Means as the Commissioners shall direct and approve; and Provision for the free Passage of Fish as aforesaid shall be made at the Expense of the Person altering such Dam, subject to the Penalties for Neglect or Refusal to comply with the Directions herein-before contained of not 20 less than Fifty Pounds and not exceeding One hundred Pounds, and a further Penalty of Ten Pounds per Day for every Day on which he shall neglect or refuse to comply with the Directions herein contained after the Expiration of One Month from such Directions.

Penalty on
Persons
throwing or
allowing
Matters
poisonous to
Fish to flow
into Inland
Rivers.
5 & 6 Vict.
c. 106. s. 80.

39. No Person shall throw, empty, or cause to run or flow into 25 any River or Lake any Dye Stuff, or other deleterious or poisonous Liquid, or shall throw into such River or Lake any Lime, Spurge, or other deleterious or poisonous Matter, or shall steep in such River or Lake any Flax or Hemp; and any Person acting in contravention of this Section shall incur a Penalty not exceeding Ten Pounds; 30 and any Person found on the Bank of or near any River with any deleterious Matter in his Possession, under such Circumstances as shall satisfy the Court before whom he may be tried that such Person had employed or was about to employ such deleterious Matter for the Capture or Destruction of Fish, and any Person found taking Fish 35 from any River where it shall be proved to the Satisfaction of any Justice that such Fish had been wilfully poisoned, shall pay a Penalty not less than One Pound and not exceeding Ten Pounds.

No Fishing
with Nets
in Inland
Waters
during Close

40. No Person shall lay, draw, or fish in Inland Waters with any 40 Nets whatsoever (except Nets for the taking of Eels) during the Close Season for Salmon; and any Person acting in contravention of this Section shall incur a Penalty not less than Two Pounds and not

not exceeding Ten Pounds, and forfeit the Net or Nets so laid down or fished with.

Season for Salmon.
5 & 6 Vict.
c. 106. s. 66.

41. It shall be lawful for all Officers and Men of the Navy or Coast Guard Service, and of the Constabulary, and for the said Commissioners, Inspectors, Conservators, and Water Bailiffs, and for any Person appointed by or acting under the Authority of the said Commissioners or Conservators, when and as often as they or any of them shall, in any Fishing Weir, Net, or Contrivance, during the Weekly or other Close Time or Season, find any Passage shut, closed, or obstructed, or during such Close Time in any Place find any Net or other Contrivance placed or used where the same are now by Law or may hereafter be prohibited by the said Commissioners, in pursuance of the Powers in them vested, or shall at any Time find any Obstruction in the Queen's Share or Free Gap, or in any Passage for Fish, through or over any fishing or other Weir, or in the Sluice Passages appurtenant to any Mill or Factory at any Time when the Sluice Gate of same shall be open, then and so often to open or cause to be opened such Passages, and remove all such Obstructions at the Expense of the Proprietor, Lessee, or Occupier of such Weir, Mill, or Factory, doing no unnecessary Damage, and to seize and remove all Nets or Parts of Nets, or other Obstructions which may be found so as aforesaid placed or used contrary to the Provisions of this Act, or any Order, Regulation, or Decision of the said Commissioners: Provided always, that nothing herein contained or done in pursuance of the same, shall exempt any Person from the Penalties and Forfeitures in and by this Act prescribed in respect to any of the Matters aforesaid; and provided also, that none of the Parties or Persons hereby authorized to open such Passages or remove such Nets or Obstructions shall be liable for any Damage caused by the Opening of such Passages or Removal of such Nets or Obstructions, unless the same shall be unnecessarily, wantonly, or maliciously done.

Additional Powers to enforce Observance of the Weekly and other Close Times.
8 & 9 Vict.
c. 108. s. 10.

42. All Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, Trout, Pollen, or Eels, or Fish of the Salmon Kind, or Eels or Pollen, and all Salmon and Eel Fisheries within any District, or on or off the Sea Coast thereof, shall, before the same be used in any Year for the taking of such Fish, be duly licensed and rated in the Manner by this Act prescribed, in the Electoral Division of the District in which such Engine, Net, Instrument, or Device shall be used, upon Payment of the Licence Duty or Rate, as the Case may be, set forth in the Schedule B. to this Act: Provided always, that if any Person shall have paid a Licence Duty for any moveable Engine within any Electoral Division as aforesaid,

CLAUSE E.
All Engines, Nets, &c. for Salmon and Trout Fishing, &c. to be licensed, and pay an annual Duty.
11 & 12 Vict.
c. 92. s. 8.

11 & 12 Vict.
c. 92. s. 30.

such Person shall not be liable to pay an additional Sum for a Licence in any other Electoral Division, by reason only of fishing with such moveable Engine in any other Electoral Division within such District : Provided also, that if any Person shall have paid a Licence Duty for a Rod within any District as aforesaid, such Person shall not be liable to pay an additional Sum for a Licence in any other District by reason only of fishing with such Rod in any other District ; but such Licence shall not be transferable to or available for any other Person except the Person named in such Licence, under the Penalty provided by this Act in the Case of any Person fishing without Licence. 10

CLAUSE F.
Licences not
to confer
Rights not
otherwise
possessed ;
and not to
alter Rights
of Parties.
11 & 12 Vict.
c. 92. s. 31.

Saving of
Remedies
against ille-
gal Weirs
and Engines.

43. Nothing herein contained with reference to the Possession of any Licence, or the Payment of the Licence Duty or Rates under this Act, shall be construed to give or confer any Right of fishing or of using any Instrument or Device for taking Fish by any Means or in any Place which the Party having or using such Licence or paying such Rate would not otherwise have possessed, or to alter or affect the Rights of any other Persons ; and no Licence granted under this Act shall legalize any Weir, Stake Net, Bag Net, fixed or other Engine for taking Salmon, that would otherwise be illegal ; and all Indictments, Prosecutions, Actions, and other legal Proceedings may be preferred, had, and taken for the Suppression of such Engines, or for the Recovery of Damages or otherwise, as if such Licence had not been granted ; and it shall be lawful for any Board of Conservators to prefer, have, and take any such Indictments, Prosecutions, or other legal Proceedings in respect of any such Engines within their District, and to pay all Costs incurred by them on account of such Indictments, Prosecutions, or Proceedings, out of any Funds for the Time being in their Hands, and they shall not be hindered in any particular Case from taking such Proceedings by reason of their having granted any Licence or Licences to the Owner or any other Person using or interested in any such Engines. 20 25 30

LEGAL PROCEEDINGS.

Recovery of
Penalties.
24 & 25 Vict.
c. 109. s. 35.
and 11 & 12
Vict. c. 92.
s. 35.

44. All Fines and Penalties imposed by this Act, and all Costs or Expenses by this Act directed to be recovered may, unless otherwise specially provided, be recovered in a summary Manner within Six Months after the Commission of the Offence, in manner directed by an Act passed in the Fifteenth Year of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled " The Petty Sessions, Ireland, Act, 1851," or any Act amending the same ; and all Monies received in respect of Fines and Penalties recovered under the Act shall be paid as follows ; that is to say, 35 40

One Third to the Person on whose Complaint the Fine or Penalty is recovered, and the Remainder shall be applied to the Purposes

Purposes of this Act for the Fishery District in which such Offence shall have been committed, and all Forfeitures shall be disposed of as the Court may direct, and the Proceeds, if any, shall be applied in manner in which the Monies received in respect of Fines and Penalties are hereby directed to be applied.

11 & 12 Vict.
c. 92. s. 35.
and 21 & 22
Vict. c. 100.
s. 28.

45. If any Person shall think himself aggrieved by any Judgment, Order, or Conviction of any Justice or Justices of the Peace, whatever may be the Amount of the Fine, Penalty, or Sum of Money ordered to be paid, or the Term of the Imprisonment imposed, such Person may appeal to the Quarter Sessions in conformity with the Provisions of the said Petty Sessions, Ireland, Act, 1851.

Appeal from
Convictions
to Quarter
Sessions.
5 & 6 Vict.
c. 106. s. 99.

46. And if any Person prosecuting shall think himself aggrieved by any Order of Dismissal, it shall and may be lawful for such Person to appeal to such Sessions as directed in the said Petty Sessions, Ireland, Act, 1851, with regard to Appeals from any Conviction, upon giving like Notice and entering into a Recognizance with Two sufficient Sureties before any Magistrate, in any Sum not less than Ten Pounds, conditioned for the Payment of all such Costs and Expenses as shall be adjudged against him on the Hearing of such Appeal.

Appeal
against Dis-
missal.
5 & 6 Vict.
c. 106. s. 100.

47. In case any Officer or Person hereby authorized and empowered to seize illegal Nets or Engines, or Nets or Engines of a legal Form and Size when used contrary to the Provisions of this Act, shall seize the same, it shall and may be lawful for him to retain the same in his Custody until the next Sitting of the Petty Sessions Court, or any Adjournment thereof, in the Petty Sessions District where the same shall be seized, and at such Petty Sessions Court it shall and may be lawful for the Justices to order and direct the same to be forfeited, and in case the same shall be such as cannot be legally used under the Provisions of this Act, to order the same to be destroyed, and in case the same shall be such as may be legally used under the Provisions of this Act, then and in such Case it shall be lawful for such Justices to order the same to be sold, or otherwise disposed of as such Justice shall direct, and the Money arising therefrom, if sold, to be applied in the same Manner as the Penalties imposed for Violation of the Provisions of this Act are hereby directed to be applied: Provided always, that in case of any Fish being seized under the Provisions of this Act, the same may be forthwith sold, and the Proceeds thereof applied in the same Manner and subject to the Regulations in this Act provided for Application of Fines and Penalties.

Illegal Nets
shall be
brought
before Ma-
gistrates at
Petty Ses-
sions and
destroyed ;

and legal
Nets, when
used ille-
gally shall,
upon being
forfeited, be
sold.
See 5 & 6
Vict. c. 106.
s. 103. and
1 Geo. 1,
stat. 2. c. 18.
ss. 6, 14. 18.
Geo. 3. c. 33,
s. 4.

Persons unlawfully erecting or keeping up any Weir upon a River after Notice forfeit 50*l.* with Costs of Suit.

48. If any Person has unlawfully erected or kept up, or shall unlawfully erect or keep up, any Weir upon any River, and a Notice shall be served in Writing upon the Proprietor or Occupier of such Weir, or his known Agent, by the Proprietor or Occupier of any Grounds on the Banks of such River on which such Weir has been or shall be erected, 5 requiring him to prostrate or open the same within the Space of Thirty Days from the Service of such Notice, if such Proprietor or Occupier of such Weir shall not within that Time abate or prosecute the same, he shall forfeit a Sum of Fifty Pounds, together with Costs of Suit, to be recovered by Action of Debt in any of Her Majesty's 10 Courts of Record in Dublin, one Moiety thereof to be to the Use of the Person who shall sue for the same, and the other to the Use of the Conservators of the District in which such Weir has been or shall be unlawfully erected or kept up; and the said Court shall adjudge such Weir to be abated at the Expense of the Defendant in such 15 Action; and if the Proprietor or Occupier of such Weir shall not within the Space of Seven Days after Judgment shall be given against him in such Action abate or prostrate such Weir, it shall and may be lawful for any Person to abate and prostrate the same.

If continued for Seven Days after Judgment any Person may prostrate it. See 26 G. 3. c. 50. (I.) ss. 8. 9.

Penalties for erecting or re-erecting Weirs after Conviction. 13 & 14 Vict. c. 88. s. 17.

49. If, after any Order or Decision of any Court whatsoever, 20 which shall at any Time be made, for abating or removing any Weir, fixed Net or Engine, or any Part thereof, unless and until the same shall be reversed on Appeal, any Person shall erect, re-erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, in or adjoining or contiguous to any Place where it 25 may have been or shall be decided by any such Court that any such Weir, fixed Net or Engine, or any Part thereof, should be abated and removed, or if any Person shall erect, re-erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, contrary to Law, and after Conviction of any Person for erecting, using, 30 or fishing with any Weir, fixed Net or Engine, or any Part thereof, in the same Place, or in, adjoining, or contiguous to the same Place, or for erecting, using, or fishing with any Weir, fixed Net or Engine, or any Part thereof, of the same Description or used for the same Purposes, then and in every such Case the Commissioners, or any 35 Two Justices of the Peace for the County or other Jurisdiction wherein the said Weir, fixed Net or Contrivance, or any Part thereof, shall have been so erected or re-erected, or used or fished with, shall, by Warrant under their Hand, from Time to Time, and so often as any such Weir, fixed Net or Engine, or any Part thereof, 40 as aforesaid, shall be so erected, re-erected, used, or fished with, abate and remove the same, at the Expense of the Party or Parties erecting, re-erecting, using, or fishing with the same, or of the Owners
or

or Occupiers of the Soil whereon such Weir, fixed Net or Engine, or any Part thereof, shall be so erected, re-erected, used, or fished with, (if such Owners or Occupiers shall appear to have permitted or suffered such Erection, Re-erection, Use, or Fishing,) and further, 5 that the Materials of every such Weir, fixed Net or Engine, or such Part thereof as aforesaid, shall be forfeited and sold or otherwise disposed of as the said Justices or the Commissioners shall direct; and that the said Party or Parties and Owner shall (independently of all other Forfeitures and Penalties to which he or they may be 10 liable) forfeit and pay for every such Offence any Sum not less than Twenty Pounds and also any Sum not exceeding Ten Pounds nor less than Two Pounds for every Day during which such Weir, fixed Net or Engine, or such Part thereof, shall continue to be so erected, re-erected, used, or fished with as aforesaid; and that the 15 Produce of such Sale and all such Forfeitures and Penalties respectively shall be disposed of and applied in such Manner as is in and by this Act directed in regard of illegal Nets used or legal Nets illegally used for fishing.

50. No Person shall henceforth make, levy, fix, or set any Weir 20 or other Engine for fishing contrary to this Act, under Penalty of forfeiting One hundred Pounds; and it shall be lawful for any Justice sitting at Petty Sessions and he is hereby required, on the Information of any Person, to issue his Warrant to abate, pluck up, and take away every Weir or Engine erected contrary to the 25 Provisions of this Act; and no Person shall let, hinder, trouble, vex, hurt, or sue the Pluckers-up and Takers-away of the said Weirs or Engines, or any of them, under the Penalty of forfeiting Forty Pounds; and every Owner, Farmer, or Occupier of any such Weir or Engine heretofore unlawfully erected and maintained shall 30 pull down and put away the same and every Part thereof before the First Day of January next coming, without levying, maintaining, making, or repairing the same, under the Penalty of One hundred Pounds.

51. It shall be lawful for the Court before which any Indictment 35 or Information for any Offence against this Act, or for any Nuisance in Tidal or Navigable Waters, shall have been preferred, heard, or tried and determined, to order that the Costs, Charges, and Expenses of and incident to such Indictment or Information, and the Proceedings therein, and the preferring, Hearing, or Trial and 40 Determination thereof, shall follow the Event of the same respectively, and be borne and paid by the Party against whom the same shall have been determined, and that such Costs, Charges, and

CLAUSE G.
Abatement
of new illegal
Weirs
injurious to
Navigation.
41 Hen. 7. c. 5.
(E.), and 14 &
15 Hen. 8. c. 13.
(E.), 26 Hen. 8.
c. 22., and
5 Geo. 2. c. 5.
(I.)
For the Abate-
ment of Weirs
on the Ouse
and Humber,
see 28 Hen. 8.
c. 18.; on the
Thames, 2 Hen.
6. c. 12.; on the
Exe, 31 Hen. 8.
c. 4.; and in
Orford Haven,
4 Hen. 7. c. 21.,
and 7 Hen. 7.
c. 9.

Courts may
award Costs.
13 & 14 Vict.
c. 88.

Expenses shall be estimated, either as between Party and Party or as between Attorney and Client, at the Discretion of such Court.

Offences on Rivers may be tried in County on either Side. 24 & 25 Vict. c. 109. s. 36.

52. Where any Offence under this Act is committed in or upon any Waters forming the Boundary between any Two Counties, Districts of Quarter Sessions, or Petty Sessions, such Offence may be prosecuted before any Justice or Justices of the Peace in either of such Counties or Districts. 5

Offences committed on Sea Coast where to be tried. 24 & 25 Vict. c. 109. s. 37.

53. Any Offence committed under this Act, on the Sea Coast or at Sea, beyond the ordinary Jurisdiction of any Justice of the Peace, shall be deemed to have been committed within the Body of any County abutting on such Sea Coast or adjoining such Sea, and may be tried and punished accordingly. 10

Saving Clause for dredging. 24 & 25 Vict. c. 109. s. 38.

54. Nothing in this Act contained shall prejudice the legal Right of any Conservators, Directors, Commissioners, Undertakers, Persons, or Body of Persons, corporate or unincorporate, to dredge, scour, cleanse, or improve any navigable River, Canal, or other Inland Navigation. 15

Justices of the Peace, being Conservators, not disqualified from sitting at the Trial of Offences against this Act. 13 & 14 Vict. c. 88. s. 11.

55. No elected or other Conservator, being also a Justice of the Peace for the County or Counties or other Jurisdiction within which his District or Electoral Division is situate, shall be thereby disqualified to sit and adjudicate as such Justice of the Peace, or at any Quarter or Petty Sessions within the same, upon any Complaint made or Prosecution instituted by or on the Behalf of the Board of Conservators of which he is such Member, in respect of any Offence against this Act or the said recited Acts. 20 25

Nothing to affect or impair Jurisdiction of Admiralty and other Courts. 13 & 14 Vict. c. 88. s. 19.

56. Nothing in this Act contained shall take away or in any Manner lessen or impair the Powers of Her Majesty's High Court of Admiralty, or any other Court or Jurisdiction, in relation to the Removal or Abatement of Nuisances accruing or occasioned to Navigation, Fishery, or the Passage of Fish, by the placing or maintaining or using of Weirs, fixed Nets, or other Contrivances. 30

CLAUSE H. Repeal of Acts. See 24 & 25 Vict. c. 109. s. 39.

57. From and after the Commencement of this Act, there shall be repealed the several Acts and Parts of Acts set forth in the Schedule hereto, to the Extent to which such Acts or Parts of Acts are therein expressed to be repealed, provided that such Repeal shall not affect— 35

1. Any Security duly given before this Act comes into operation :
2. Anything duly done before this Act comes into operation :

3. Any

3. Any Liability accruing before this Act comes into operation :
4. Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before this Act comes into operation :
- 5 5. The Institution of any legal Proceeding or any other Remedy for ascertaining, enforcing, or recovering any such Liability, Penalty, Forfeiture, or Punishment as aforesaid.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Reference to Act.	Title of Act.	Extent of Repeal.
5 & 6 Vict. c. 106. -	An Act to regulate the Irish Fisheries.	Sections 18 to 30, both inclusive, 33, 34, and 35, 37, 38, 39, 40, 54 to 61, both inclusive, 66, 67, 68, and 78.
9 & 10 Vict. c. 114.	An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the Irish Fisheries.	The entire Act.
11 & 12 Vict. c. 92.	An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of Ireland.	Sections 8, 39, and 40, and Schedule.

SCHEDULE (B.)

SCALE of LICENCE DUTIES for each Engine, Net, Instrument, or Device used in Salmon Fisheries in Districts.

	£	s.	d.
1. Single Salmon Rods - - - - -	0	15	0
2. Cross Lines and Rods - - - - -	3	0	0
3. Snap Nets - - - - -	1	10	0
4. Draft Nets or Seines, not exceeding 200 Yards in Length	5	0	0
Over that Length, for every 100 Yards or fractional			
Part of every 100 Yards, an additional Duty of -	3	0	0
5. Drift Nets - - - - -	5	0	0
6. Pole Nets - - - - -	2	0	0
7. Other Nets or Engines not named above -	{ Licence Duties, such as shall be fixed by the Commissioners.		
8. For every Box, Crib, Cruive, or Drum Net in any Weir for taking Salmon - - - - -	10	0	0
Note.— Fisheries for Salmon claimed to be "Several Fisheries," however fished - - - - -			
{ To be rated at Ten per Cent, on Poor Law Valuation.			
9. Every Eye, Gap-basket, or Net for taking Eels - - -	0	10	0
10. Every Net used for taking Pollen - - - - -	0	10	0

Fortifications (Provision for Expenses) Bill.

ARRANGEMENT OF CLAUSES.

The Sum of 1,200,000*l.* to be issued out of the Consolidated Fund towards the Expenses after mentioned ; Sect. 1.

Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal ; 2.

Treasury to raise 1,200,000*l.* by creating Annuities for a Term not exceeding Thirty Years ; 3.

Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every 100*l.*, and Terms of Payment of Subscriptions ; 4.

Power to Guardians, &c. to subscribe for Infants ; 5.

Time at which Annuities may be transferred ; 6.

Contributors may anticipate Payments ; 7.

Annuities payable and transferable at the Bank ; 8.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged upon the said Fund ; 9.

Bank of England to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities ; 10.

Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer ; 11.

The Money paid into the Exchequer to form Part of the Consolidated Fund ; 12.

A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer ; 13.

Subscriptions paid in part, and not completed, forfeited ; 14.

Annuities to be deemed Personal Estate ; 15.

Accountant General to keep Books for entering Transfers. Transfers not liable to Stamp Duties ; 16.

Power to the Treasury to add the Annuities created under this Act to the Stock of existing terminable Annuities of like Duration ; 17.

[Bill 168.]

a

Allowance

ii *Fortifications (Provision for Expenses).*

Allowance to Bank of England for the Expense of Management ; 18.
Fortifications, &c. to be executed under the Direction of the Secretary for War ; 19.

Accounts to be laid before Parliament ; 20.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony ; 21.

Bank to continue a Corporation till the Annuities hereby granted cease ; 22.

SCHEDULE.

24 June 1862. 25 & 26 VICT.



A

B I L L

FOR

Providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Preamble.
Commons of the United Kingdom of Great Britain and
Ireland in Parliament assembled, having further considered
5 the State, Condition, and Sufficiency of the Fortifications existing for
the Defence of the United Kingdom, and being desirous to provide
forthwith for the Construction of certain Works for the Defence of
Your Royal Arsenals and Dockyards and the Ports of Dover and
Portland, and for the Creation of a Central Arsenal, have cheerfully
10 granted to Your Majesty the further Sum of One million two
hundred thousand Pounds, to be paid out of the Consolidated Fund,
towards defraying the Expenses incurred or to be incurred for those
Purposes, and we have resolved that a Sum not exceeding the said
Sum of One million two hundred thousand Pounds be raised by such
15 Terminable Annuities as herein-after mentioned, and we do therefore
most humbly beseech Your Majesty that it may be enacted; and be
it enacted by the Queen's most Excellent Majesty, by and with the
[Bill 168.] A Advice

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

The Sum of 1,200,000*l.* to be issued out of the Consolidated Fund towards the Expenses after mentioned.

1. Towards defraying the Expenses herein-after mentioned any Sum or Sums, not exceeding in the whole the Sum of *One million two hundred thousand Pounds*, shall be issued and applied out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing Produce thereof, and it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to issue and apply the same accordingly. 5 10

Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal.

2. Such Sum or Sums as may be issued out of the Consolidated Fund or the growing Produce thereof, as aforesaid, shall be applied, as mentioned in the Schedule to this Act, towards defraying the Expenses incurred or to be incurred in constructing the aforesaid Fortifications and Works for the Defence of the Royal Arsenals and Dockyards of the United Kingdom (including the Naval Establishment at Haulbowline), and the Fortifications at Dover and Portland, and in providing a Central Arsenal, and in purchasing the Land and Rights in Land that may be required for the Purposes of such Fortifications, Works, and Arsenal; and the Commissioners of Her Majesty's Treasury shall from Time to Time apply such Sum or Sums accordingly. 15 20

Treasury to raise 1,200,000*l.* by creating Annuities for a Term not exceeding Thirty Years.

3. To provide for the Issues to be made out of the Consolidated Fund or the growing Produce thereof, and to repay to the Consolidated Fund the Amount which may have been previously so issued under this Act, or for either of those Purposes, it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or from Time to Time, after the passing this Act, to raise any Sum or Sums not exceeding in the whole the Sum of *One million two hundred thousand Pounds*, as herein-after mentioned; and for raising all or any Portions which may be so raised from Time to Time of the said Sum of *One million two hundred thousand Pounds*, it shall be lawful for the Commissioners of the Treasury to cause to be created, and vested in the Contributors to the said Sum or to the respective Portions thereof, Annuities for such Term not exceeding the Term of *Thirty Years* as the Commissioners of the Treasury may think fit to fix in the Contract with such Contributors, and to be payable half-yearly by equal Payments on the *Fifth Day of April and the Tenth Day of October*. 25 30 35

Treasury to fix the Term and Amount of Annuity

4. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to contract, in such Manner and under such Regulations as they may deem advisable, with any Person or Persons, 40

Persons, Body or Bodies Politic or Corporate, who may be willing to advance the whole or any Part of the said Sum of *One million two hundred thousand Pounds*, or of the Portion thereof which the said Commissioners may at any Time think it requisite to raise, and to appoint
 5 and fix the Amount and Times of Payment of Deposits and Instalments of or in respect of the Sums contracted to be advanced, and to declare and fix the Term and the Amount of Annuity to be created under this Act to which the several Persons and Corporations advancing such Sums (who are herein referred to as the Contributors), their
 10 respective Executors or Administrators, Successors or Assigns, shall be entitled in respect of each One hundred Pounds contributed and paid, and to appoint on which of the half-yearly Days herein-before mentioned the First Half Year's Payment of Annuity shall become due, and the Time or Times at which the said Annuities or propor-
 15 tional Amounts thereof shall be placed in the Books of the Bank of England to the Credit of the respective Contributors, their Executors, Administrators, Successors, and Assigns, and to fix the Time during which Receipts for such Deposits or Instalments as aforesaid shall be assignable; and the several Contributors, their
 20 Executors, Administrators, Successors, or Assigns, shall be entitled for every One hundred Pounds by them respectively advanced and paid to an Annuity for such Term and of such Amount as shall be so fixed by the Commissioners of the Treasury, to be payable during the Term so fixed by half-yearly Payments as aforesaid, the First
 25 half-yearly Payment to be due as the said Commissioners may have appointed as aforesaid.

to be granted to Contributors for every 100*l.* and Terms of Payment of Subscriptions.

5. It shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing any Part of any Sum to be raised by
 30 Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contri-
 35 butor; and such Guardian or Trustee, as to the said Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Power to Guardians, &c. to subscribe for Infants.

6. All Deposits, Instalments, and Sums to be paid by the Contributors, their Executors or Administrators, Successors or Assigns,
 40 in respect of any Portion of the said Sum of *One million two hundred thousand Pounds*, shall be paid to the Cashier or Cashiers of the Governor and Company of the Bank of England; and as soon as any Contributors, their Executors, Administrators, Successors, or Assigns,

Time at which Annuities may be transferred.

shall, after Payment of the required Deposit, have made due Payment of any subsequent Instalment payable by them respectively on the Days appointed by the said Commissioners of the Treasury, towards a Sum raised under this Act, such Contributors may have a proportional Amount of the Annuities to which they may be entitled 5 in respect of such Instalment forthwith placed in the Books of the Bank of England to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns, and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount 10 of like Annuities placed to their respective Credits corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, 15 shall have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of England (in such Manner as is herein-after directed); and the said Governor and Company of the Bank of England are hereby required, as soon 20 as conveniently may be after Notice from the Commissioners of the Treasury for the Purpose, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Annuities to which they will be entitled under this Act. 25

Contributors may anticipate Payments.

VII. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof in anticipation of the Instalments appointed by the Commissioners of the Treasury, or any of them, shall be entitled to 30 have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Annuities payable and transferable at the Bank.

8. All the Annuities created under this Act shall be payable 35 and paid and be transferable at the Bank of England.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged

9. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the said Cashier or Cashiers of the Governor and Company of the Bank 04 of England, as shall be sufficient to satisfy and pay the said Annuities to be created under the Act, together with the Charges attending the

the same, and all the said Annuities shall be charged and chargeable upon the said Fund. upon and are hereby charged upon and made payable out of the said Consolidated Fund.

10. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of England and their Successors shall from Time to Time, until all the said Annuities shall have expired, appoint and employ One or more sufficient Person or Persons within their Office in the City of London to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Money by this Act to be set apart for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and the Charges attending the same shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said Chief or First Cashier or Cashiers of the said Governor and Company of the Bank of England, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Bank of England to appoint a Cashier and an Accountant General and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

11. The Cashier or Cashiers of the Governor and Company of the Bank of England who shall receive any Deposits or Instalments from Contributors in respect of any Portion of the said Sum of *One million two hundred thousand Pounds* shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the proportional Amounts of Annuity to be created in respect of the Instalments intermediate between the Deposit and the last Instalment on the Payment of those Instalments respectively; and the Receipts and Warrants so to be given shall be assignable and transferable by Delivery thereof during such Time as shall have been fixed by the Commissioners of Her Majesty's Treasury, and no longer; and such Cashier or Cashiers shall give Security to the Satisfaction of the Commissioners of Her Majesty's Treasury for duly answering and paying into the Receipt of the

Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer.

Exchequer as after mentioned all the Monies which he or they shall hereafter receive from Time to Time of and for any Portion of the said Sum of *One million two hundred thousand Pounds*, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Monies as soon as he or they shall receive the same or any Part thereof, or within *Five Days* afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

The Money paid into the Exchequer to form Part of the Consolidated Fund.

12. All such Sums of Money as shall be from Time to Time paid into the Receipt of Her Majesty's Exchequer in respect of the said Sum of *One million two hundred thousand Pounds*, or any Portion thereof, raised by Annuities as aforesaid, shall be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

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A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer.

13. In the Office of the Accountant General of the Governor and Company of the Bank of England for the Time being, a Book or Books shall be provided and kept, in which the Names of the Contributors to any Portion of the said Sum of *One million two hundred thousand Pounds*, which may be raised under this Act, shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect without any Fee or Charge; and the said Accountant General shall, at such Time or Times as may be directed by the Commissioners of the Treasury, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

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Subscriptions paid in part, and not completed, forfeited.

14. In case any such Contributors to any Portion of the Sum of *One million two hundred thousand Pounds* which may be raised under this Act, after having paid to the said Cashier or Cashiers any Sum or Sums of Money as a Deposit, at the Time and in the Manner appointed by the Commissioners of the Treasury, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner which shall have been appointed by the Commissioners of the Treasury, then and in every such Case such Deposit shall be forfeited for the Benefit of the Public, and and all Right and Title to the said Deposit, and to the Annuity in respect thereof, shall be extinguished.

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15. All

15. All Persons and Corporations who shall be entitled to any of the Annuities which may be created under this Act; and all Persons and Corporations lawfully claiming unner them, shall be possessed thereof as of a Personal Estate, which shall not be de-
 5 scendible to Heirs, nor liable to any Foreign Attachment by the Custom of London or otherwise.

Annuities to be deemed Personal Estate.

16. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Annuities created under this Act shall be entered and registered,
 10 which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or
 15 more Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any
 20 of the said Transfers, any Law or Statute to the contrary notwithstanding.

Accountant General to keep Books for entering Transfers.

Transfers not liable to Stamp Duties.

17. Provided, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they think it expedient so to do, for raising all or any Portion of the said Sum of *One million two hundred thou-*
 25 *sand Pounds*, to contract and provide that all or any of the terminable Annuities to be created under the Provisions of this Act in respect of such Sum or Portion as aforesaid shall be consolidated with and deemed Part of the Joint Stock of the terminable Annuities created by the Act of the Session holden in the Eighteenth and Nineteenth
 30 Years of Her Majesty, Chapter Eighteen, or of the Joint Stock of any terminable Annuities transferable at the Bank of England and charged on the Consolidated Fund by the Authority of Parliament, for the same Term for the Time being unexpired, and payable on the same half-yearly Days as the Annuities which they may contract
 35 to create, and in every such Case the Annuities to be created under this Act shall be added to and form Part of the Joint Stock of the previously existing Annuities accordingly.

Power to the Treasury to add the Annuities created under this Act to the Stock of existing terminable Annuities of like Duration.

18. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the
 40 Governor and Company of the Bank of England of the Sum of Six hundred Pounds for the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed

Allowance to Bank of England for the Expense of Management.

in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Fortifica-
tions, &c. to
be executed
under the
Direction of
the Secre-
tary for War.

19. The Fortifications, Works, and Central Arsenal, the Expenses of constructing and providing which are to be defrayed under this Act, shall be constructed and provided respectively under the Direction of Her Majesty's Principal Secretary of State for the War Department, and the Land to be purchased and acquired for the Purposes of such Fortifications, Works, and Central Arsenal shall be vested in the said Secretary of State on behalf of Her Majesty.

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Accounts
to be laid
before
Parliament.

20. The Commissioners of Her Majesty's Treasury shall in the Month of *July in the Year One thousand eight hundred and sixty-three*, and in every subsequent Year in which any Part of the said Sum of *One million two hundred thousand Pounds* shall be issued from the Consolidated Fund or raised by Annuities under this Act, cause to be prepared an Account of the Monies raised under this Act up to the First Day of that Month, and of the Amount of Annuities created in respect of the Money so raised, and of the Monies which shall have been issued out of the Consolidated Fund in respect of the Sum of *One million two hundred thousand Pounds* charged on that Fund under this Act up to the said First Day of July, specially showing the Works or Purposes for or in respect of which the Monies may have been applied; and showing the Amount, if any, which may remain to be raised of the said Sum of *One million two hundred thousand Pounds* authorized to be raisen under this Act, and the Amount, if any, remaining to be issued or applied of the said Sum of *One million two hundred thousand Pounds* charged on the said Consolidated Fund; and every such Account shall be laid before both Houses of Parliament forthwith after the Preparation thereof, or if Parliament be not sitting then within *Fourteen Days* after the next Meeting of Parliament.

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Persons
counterfeit-
ing Receipts
for Contri-
butions, &c.
guilty of
Felony.

21. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards any Sum raised under this Act, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, or Payer or Payers thereof or of any Part or Parts

Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of England, or any Body Politic or Corporate, 5 or any Person or Persons whatsoever, every such Person so forging or counterfeiting or altering, or causing or procuring to be forged or counterfeited or altered, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, shall be guilty of Felony, and being convicted thereof shall, at the Dis- 10 cretion of the Court, be liable to be kept in Penal Servitude for any Term not less than *Three* Years, or to be imprisoned, with or without Hard Harbour, or with or without solitary Confinement, for any Term not exceeding *Two* Years.

22. The said Governor and Company of the Bank of England, 15 and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities created under this Act shall cease.

Bank to continue a Corporation till the Annuities hereby granted cease.

SCHEDULE.

SCHEDULE of SUMS proposed to be expended on Fortifications and Works at the under-mentioned Places between the 1862 and 1st August 1863, under this Act, for the under-mentioned Districts.

District.	Amount.
	£
Portsmouth - - - - -	350,000
Plymouth - - - - -	300,000
Pembroke - - - - -	100,000
Thames - - - - -	100,000
Medway - - - - -	140,000
Portland - - - - -	90,000
Dover - - - - -	90,000
Cork - - - - -	30,000
Total of this Enactment -	£1,200,000
For Works in Progress and provided for by 23 & 24 Vict. c. 109. -	2,000,000
Total of both Enactments -	£3,200,000

The several Sums include the Expense of Purchase of Land and other incidental Expenses.

Fortifications (Provision for Expenses) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

- The Sum of 1,200,000*l.* to be issued out of the Consolidated Fund towards the Expenses after mentioned ; Sect. 1.
- Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal ; 2.
- Treasury to raise 1,200,000*l.* by creating Annuities for a Term not exceeding Thirty Years ; 3.
- Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every 100*l.*, and Terms of Payment of Subscriptions ; 4.
- Power to Guardians, &c. to subscribe for Infants ; 5.
- Time at which Annuities may be transferred ; 6.
- Contributors may anticipate Payments ; 7.
- Annuities payable and transferable at the Bank ; 8.
- Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged upon the said Fund ; 9.
- Bank of England to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities ; 10.
- Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer ; 11.
- The Money paid into the Exchequer to form Part of the Consolidated Fund ; 12.
- A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer ; 13.
- Subscriptions paid in part, and not completed, forfeited ; 14.
- Annuities to be deemed Personal Estate ; 15.
- Accountant General to keep Books for entering Transfers. Transfers not liable to Stamp Duties ; 16.
- Power to the Treasury to add the Annuities created under this Act to the Stock of existing terminable Annuities of like Duration ; 17.

[Bill 207.]

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Allowance

Allowance to Bank of England for the Expense of Management ; 18.
Fortifications, &c. to be executed under the Direction of the Secretary for War ; 19.

Accounts to be laid before Parliament ; 20.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony ; 21.

Bank to continue a Corporation till the Annuities hereby granted cease ; 22.

SCHEDULE.

14 *July* 1862. 25 & 26 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Preamble.
Commons of the United Kingdom of Great Britain and
Ireland in Parliament assembled, having further considered
5 the State, Condition, and Sufficiency of the Fortifications existing for
the Defence of the United Kingdom, and being desirous to provide
forthwith for the Construction of certain Works for the Defence of
Your Royal Arsenals and Dockyards and the Ports of Dover and
Portland, and for the Creation of a Central Arsenal, have cheerfully
10 granted to Your Majesty the further Sum of One million two
hundred thousand Pounds, to be paid out of the Consolidated Fund,
towards defraying the Expenses incurred or to be incurred for those
Purposes, and we have resolved that a Sum not exceeding the said
Sum of One million two hundred thousand Pounds be raised by such
15 Terminable Annuities as herein-after mentioned, and we do therefore
most humbly beseech Your Majesty that it may be enacted; and be
it enacted by the Queen's most Excellent Majesty, by and with the
[Bill 207.] A Advice

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

The Sum of 1,200,000*l.* to be issued out of the Consolidated Fund towards the Expenses after mentioned.

1. Towards defraying the Expenses herein-after mentioned any Sum or Sums, not exceeding in the whole the Sum of One million two hundred thousand Pounds, shall be issued and applied out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing Produce thereof, and it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to issue and apply the same accordingly.

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Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal.

2. Such Sum or Sums as may be issued out of the Consolidated Fund or the growing Produce thereof, as aforesaid, shall be applied, as mentioned in the Schedule to this Act, towards defraying the Expenses incurred or to be incurred in constructing the aforesaid Fortifications and Works for the Defence of the Royal Arsenals and Dockyards of the United Kingdom (including the Naval Establishment at Haulbowline), and the Fortifications at Dover and Portland, and in providing a Central Arsenal, and in purchasing the Land and Rights in Land that may be required for the Purposes of such Fortifications, Works, and Arsenal; and the Commissioners of Her Majesty's Treasury shall from Time to Time apply such Sum or Sums accordingly: Provided always, that it shall not be lawful to apply any such Sums to any Work not specifically named in the Schedule, nor to apply to any Work any greater Sum than that which is set down in the Schedule as the total estimated Cost of the Work, nor to make any Contract involving the Expenditure in any District of a greater Sum than is set down to be expended on the Works in that District within the Period ending on the First Day of August One thousand eight hundred and sixty-three, unless in such Contract there be inserted a Condition that it shall not be binding until it has lain upon the Table of the House of Commons without Disapproval, unless previous to the Lapse of that Period it has been approved by a Resolution of the House.

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Treasury to raise 1,200,000*l.* by creating Annuities for a Term not exceeding Thirty Years.

3. To provide for the Issues to be made out of the Consolidated Fund or the growing Produce thereof, and to repay to the Consolidated Fund the Amount which may have been previously so issued under this Act, or for either of those Purposes, it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or from Time to Time, after the passing this Act, to raise any Sum or Sums not exceeding in the whole the Sum of One million two hundred thousand Pounds, as herein-after mentioned; and for raising all or any Portions which may be so raised from Time to Time of the said Sum of One million two hundred thousand Pounds, it shall be lawful for

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for

for the Commissioners of the Treasury to cause to be created, and vested in the Contributors to the said Sum or to the respective Portions thereof, Annuities for such Term not exceeding the Term of Thirty Years as the Commissioners of the Treasury may think fit to fix in the Contract with such Contributors, and to be payable half-yearly by equal Payments on the Fifth Day of April and the Tenth Day of October.

4. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to contract, in such Manner and under such Regulations as they may deem advisable, with any Person or Persons, Body or Bodies Politic or Corporate, who may be willing to advance the whole or any Part of the said Sum of One million two hundred thousand Pounds, or of the Portion thereof which the said Commissioners may at any Time think it requisite to raise, and to appoint and fix the Amount and Times of Payment of Deposits and Instalments of or in respect of the Sums contracted to be advanced, and to declare and fix the Term and the Amount of Annuity to be created under this Act to which the several Persons and Corporations advancing such Sums (who are herein referred to as the Contributors), their respective Executors or Administrators, Successors or Assigns, shall be entitled in respect of each One hundred Pounds contributed and paid, and to appoint on which of the half-yearly Days herein-before mentioned the First Half Year's Payment of Annuity shall become due, and the Time or Times at which the said Annuities or proportional Amounts thereof shall be placed in the Books of the Bank of England to the Credit of the respective Contributors, their Executors, Administrators, Successors, and Assigns, and to fix the Time during which Receipts for such Deposits or Instalments as aforesaid shall be assignable; and the several Contributors, their Executors, Administrators, Successors, or Assigns, shall be entitled for every One hundred Pounds by them respectively advanced and paid to an Annuity for such Term and of such Amount as shall be so fixed by the Commissioners of the Treasury, to be payable during the Term so fixed by half-yearly Payments as aforesaid, the First half-yearly Payment to be due as the said Commissioners may have appointed as aforesaid.

Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every 100*l.* and Terms of Payment of Subscriptions.

5. It shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing any Part of any Sum to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in

Power to Guardians, &c. to subscribe for Infants.

respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee, as to the said Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Time at
which An-
nuities may
be trans-
ferred.

6. All Deposits, Instalments, and Sums to be paid by the Con- 5
tributors, their Executors or Administrators, Successors or Assigns,
in respect of any Portion of the said Sum of One million two hundred
thousand Pounds, shall be paid to the Cashier or Cashiers of the Go-
vernor and Company of the Bank of England; and as soon as any
Contributors, their Executors, Administrators, Successors, or Assigns, 10
shall, after Payment of the required Deposit, have made due Payment
of any subsequent Instalment payable by them respectively on the
Days appointed by the said Commissioners of the Treasury, towards
a Sum raised under this Act, such Contributors may have a pro-
portional Amount of the Annuities to which they may be entitled 15
in respect of such Instalment forthwith placed in the Books of the
Bank of England to the Credit of such respective Contributors, their
Executors, Administrators, Successors, or Assigns, and on Payment
of the last Instalment such Contributors, their Executors, Ad-
ministrators, Successors, or Assigns, shall have a proportional Amount 20
of like Annuities placed to their respective Credits corresponding,
at the Rate aforesaid, to the aggregate Amount of the Deposit and
of such last Instalment; and the Persons to whose Credit such
Annuities, or such proportional Parts thereof, shall be so placed,
their respective Executors, Administrators, Successors, and Assigns, 25
shall have Power to assign and transfer the same, or any Part, Share,
or Proportion thereof, to any other Person or Persons, Body or Bodies
Politie or Corporate whatsoever, in the Books of the Bank of England
(in such Manner as is herein-after directed); and the said Governor
and Company of the Bank of England are hereby required, as soon 30
as conveniently may be after Notice from the Commissioners of the
Treasury for the Purpose, to prepare proper Books for the Purpose
of entering the Names of all such Contributors, and of placing to their
Credit the Annuities to which they will be entitled under this Act.

Contributors
may antici-
pate Pay-
ments.

7. All such Contributors, their Executors, Administrators, Suc- 35
cessors, or Assigns, who shall pay into the Hands of the said Cashier
or Cashiers the whole of their respective Contribution Money, or any
Part thereof in anticipation of the Instalments appointed by the
Commissioners of the Treasury, or any of them, shall be entitled to
have forthwith inscribed into their respective Names the whole or 40
such proportional Amount of the said Annuities; but Discount shall
not be allowed on any such Payment in anticipation of any of the
said Instalments.

8. All

8. All the Annuities created under this Act shall be payable and paid and be transferable at the Bank of England.

Annuities payable and transferable at the Bank.

9. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the said Cashier or Cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the said Annuities to be created under the Act, together with the Charges attending the same, and all the said Annuities shall be charged and chargeable upon and are hereby charged upon and made payable out of the said Consolidated Fund.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged upon the said Fund.

10. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of England and their Successors shall from Time to Time, until all the said Annuities shall have expired, appoint and employ One or more sufficient Person or Persons within their Office in the City of London to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Money by this Act to be set apart for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and the Charges attending the same shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said Chief or First Cashier or Cashiers of the said Governor and Company of the Bank of England, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Bank of England to appoint a Cashier and an Accountant General and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

11. The Cashier or Cashiers of the Governor and Company of the Bank of England who shall receive any Deposits or Instalments from Contributors in respect of any Portion of the said Sum of One million two hundred thousand Pounds shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also

Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer.

Warrants for the proportional Amounts of Annuity to be created in respect of the Instalments intermediate between the Deposit and the last Instalment on the Payment of those Instalments respectively; and the Receipts and Warrants so to be given shall be assignable and transferable by Delivery thereof during such Time 5 as shall have been fixed by the Commissioners of Her Majesty's Treasury, and no longer; and such Cashier or Cashiers shall give Security to the Satisfaction of the Commissioners of Her Majesty's Treasury for duly answering and paying into the Receipt of the Exchequer as after mentioned all the Monies which he or they 10 shall hereafter receive from Time to Time of and for any Portion of the said Sum of One million two hundred thousand Pounds, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Monies as soon as he or they shall receive the same, or any 15 Part thereof, or within Five Days afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

The Money paid into the Exchequer to form Part of the Consolidated Fund.

12. All such Sums of Money as shall be from Time to Time paid into the Receipt of Her Majesty's Exchequer in respect of the said 20 Sum of One million two hundred thousand Pounds, or any Portion thereof, raised by Annuities as aforesaid, shall be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer.

13. In the Office of the Accountant General of the Governor and 25 Company of the Bank of England for the Time being, a Book or Books shall be provided and kept, in which the Names of the Contributors to any Portion of the said Sum of One million two hundred thousand Pounds, which may be raised under this Act, shall be fairly entered; which Book or Books the said respective Contributors, their 30 respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect without any Fee or Charge; and the said Accountant General shall, at such Time or Times as may be directed by the Commissioners of the Treasury, transmit an attested Duplicate, fairly written 35 on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

Subscriptions paid in part, and not completed, forfeited.

14. In case any such Contributors to any Portion of the Sum of One million two hundred thousand Pounds which may be raised under this Act, after having paid to the said Cashier or Cashiers any Sum or 40 Sums of Money as a Deposit, at the Time and in the Manner appointed by the Commissioners of the Treasury, in part of the Sum or Sums so by

by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner which shall have been appointed by the Commissioners of the Treasury, then and in every such Case such Deposit shall be forfeited for the Benefit of the Public, and and all Right and Title to the said Deposit, and to the Annuity in respect thereof, shall be extinguished.

15 15. All Persons and Corporations who shall be entitled to any of the Annuities which may be created under this Act, and all Persons and Corporations lawfully claiming unner them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of London or otherwise.

Annuities to be deemed Personal Estate.

15 16. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Accountant General to keep Books for entering Transfers.

Transfers not liable to Stamp Duties.

30 17. Provided, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they think it expedient so to do, for raising all or any Portion of the said Sum of One million two hundred thousand Pounds, to contract and provide that all or any of the terminable Annuities to be created under the Provisions of this Act in respect of such Sum or Portion as aforesaid shall be consolidated with and deemed Part of the Joint Stock of the terminable Annuities created by the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighteen, or of the Joint Stock of any terminable Annuities transferable at the Bank of England and charged on the Consolidated Fund by the Authority of Parliament, for the same Term for the Time being unexpired, and payable on the same half-yearly Days as the Annuities which they may contract

Power to the Treasury to add the Annuities created under this Act to the Stock of existing terminable Annuities of like Duration.

to create, and in every such Case the Annuities to be created under this Act shall be added to and form Part of the Joint Stock of the previously existing Annuities accordingly.

Allowance
to Bank
of England
for the Ex-
pense of
Manage-
ment.

18. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the 5 Governor and Company of the Bank of England of the Sum of Six hundred Pounds for the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for per- 10 forming the Trust reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only. 15

Fortifica-
tions, &c. to
be executed
under the
Direction of
the Secre-
tary for War.

19. The Fortifications, Works, and Central Arsenal, the Expense of constructing and providing which are to be defrayed under this Act, shall be constructed and provided respectively under the Direction of Her Majesty's Principal Secretary of State for the War Department, and the Land to be purchased and acquired for 20 the Purposes of such Fortifications, Works, and Central Arsenal shall be vested in the said Secretary of State on behalf of Her Majesty.

Accounts
to be laid
before
Parliament.

20. The Commissioners of Her Majesty's Treasury shall in the Month of July in the Year One thousand eight hundred and sixty- 25 three, and in every subsequent Year in which any Part of the said Sum of One million two hundred thousand Pounds shall be issued from the Consolidated Fund or raised by Annuities under this Act; cause to be prepared an Account of the Monies raised under this Act up to the First Day of that Month, and of the Amount of Annuities created 30 in respect of the Money so raised, and of the Monies which shall have been issued out of the Consolidated Fund in respect of the Sum of One million two hundred thousand Pounds charged on that Fund under this Act up to the said First Day of July, specially showing the Works or Purposes for or in respect of which the Monies may have 35 been applied; and showing the Amount, if any, which may remain to be raised of the said Sum of One million two hundred thousand Pounds authorized to be raised under this Act, and the Amount, if any, remaining to be issued or applied of the said Sum of One million two hundred thousand Pounds charged on the said Consolidated Fund; and every 40 such Account shall be laid before both Houses of Parliament forthwith after the Preparation thereof, or if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

21. If

21. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards any Sum raised under this Act, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of England, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting or altering, or causing or procuring to be forged or counterfeited or altered, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, shall be guilty of Felony, and being convicted thereof shall, at the Discretion of the Court, be liable to be kept in Penal Servitude for any Term not less than Three Years, or to be imprisoned, with or without Hard Labour, or with or without solitary Confinement, for any Term not exceeding Two Years.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

22. The said Governor and Company of the Bank of England, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities created under this Act shall cease.

Bank to continue a Corporation till the Annuities hereby granted cease.

SCHEDULE.

1.	2.	3.	4.	5.	6.	7.
Station.	District.	Name of Work.	Estimated Cost of Works and Lands.	Estimated Expenditure upon the Works and Lands to 31 July 1862.	Amount proposed for Works 1862-3.	Further Amount required to complete the Works.
			£	£	£	£
Portsmouth -	Spithead	Horse Sand Fort - -	255,000	15,000	18,000	823,000
		No Man's Land - -	285,000			
		Sturbridge - -	300,000			
	Needles	Needles Battery - -	7,000	6,000	1,000	—
		Hatherwood - -	4,000	—	—	4,000
		Warden Point - -	9,000	2,000	7,000	—
		Cliff End - -	30,000	*2,500	12,000	15,500
		Golden Hill - -	30,000	—	8,000	22,000
		Hurst Castle - -	110,000	13,000	25,000	70,000
	Isle of Wight	Puckpool and St. Helen's Batteries.	90,000	—	*12,000	75,000
		Sandown Bay Defences -	100,000	25,000	40,000	30,000
		Military Road, and Posts for Defence of South West Coast.	35,000	—	5,000	30,000
	Portsdown	Fort Wallington - -	75,000	10,000	20,000	45,000
		Fort Nelson - -	75,000	10,000	20,000	45,000
		Fort Southwick - -	85,000	10,000	20,000	55,000
		Fort Widley - -	75,000	10,000	20,000	45,000
		Fort Purbrook and Outworks	140,000	25,000	30,000	80,000
	Gosport	Gilkicker Battery - -	50,000	—	10,000	40,000
		Stokes Bay Line - -	40,000	26,000	*5,000	*9,000
		Fort Grange - -	60,000	100,000	55,000	*25,000
		Fort Rowner - -	65,000			
		Fort Brockhurst - -	60,000			
	Gosport "Advance."	Fort Fareham - -	115,000	8,000	25,000	80,000
	Hilsea	Hilsea Lines - -	120,000	25,000	20,000	75,000
	Southsea	Eastney Batteries - -	15,000	7,000	8,000	2,000
		Lump's Battery - -	5,000	3,000	—	—
		Southsea Castle - -	35,000	—	5,000	30,000
Plymouth -	Sea Defences	Picklecombe Battery - -	90,000	15,000	25,000	45,000
		Staddon Point Battery - -	85,000	5,000	20,000	55,000
		Breakwater Fort - -	150,000	10,000	25,000	110,000
		Drake's Island Battery - -	35,000	12,000	20,000	3,000
		Eastern King Battery - -	2,000	2,000	—	—
		Western King Battery - -	3,000	2,500	500	—
		Mount Edgecumbe Battery -	10,000	2,000	5,000	1,000
	Staddon	Staddon Fort - -	95,000	33,000	50,000	85,000
		Fort Stamford - -	75,000			
	Maker	Knatterbury - -	5,000	—	—	5,000
		Whitesand Bay - -	10,000	4,000	6,000	—
		Cawsand Bay - -	10,000	5,000	5,000	—
		Maker Barracks - -	20,000	—	—	20,000
	North Eastern	North Eastern Defences -	350,000	—	50,000	300,000
	Devonport	Devonport Lines - -	10,000	7,000	2,500	500
	Antony	Fort Tregantle - -	130,000	75,000	45,000	10,000
		Fort Scraesdon - -	130,000	30,000	40,000	60,000

1.	2.	3.	4.	5.	6.	7.
Station.	District.	Name of Work.	Estimated Cost of Works and Lands.	Estimated Expenditure upon the Works and Lands to 31 July 1862.	Amount proposed for Works 1862-3.	Further Amount required to complete the Works.
Pembroke -	Milford Haven	Stack Rock Fort - -	£ 60,000	£ 17,000	£ 25,000	£ 18,000
		South Hook Battery - -	30,000	8,000	15,000	7,000
		Hubberstone Battery - -	35,000	15,000	20,000	—
		Popton Battery - -	45,000	17,000	20,000	8,000
		Chapel Bay Battery - -	10,000	-	5,000	5,000
		Fort Scoveston (north of Milford Haven).	80,000	11,000	15,000	50,000
		Works to Southward of Mil- ford Haven.	80,000	-	-	80,000
Portland -	Portland -	Verne Citadel, and Batteries connected therewith.	130,000	32,000	30,000	65,000
		Nothe Fort - -	80,000	20,000	30,000	30,000
		Breakwater Batteries - -	150,000	15,000	30,000	100,000
Gravesend -	Thames -	Coalhouse Fort - -	90,000	20,000	40,000	30,000
		Cliffe Fort - -	80,000	18,000	30,000	32,000
		Shornmead - -	80,000	12,000	30,000	38,000
Medway and Sheerness.	Sea Defences -	Isle of Grain - -	85,000	30,000	40,000	15,000
		Garrison Point - -	80,000	6,000	30,000	44,000
		Hoo Fort - -	60,000	24,000 {	20,000	45,000
		Darnet Fort - -	60,000		20,000	
		Slough Battery - -	15,000	-	10,000	5,000
	Works in front of Mile Town.	Cheney Rock Battery - -	20,000	-	5,000	15,000
		Queenborough Battery - -	20,000	-	5,000	15,000
Chatham -	Eastern -	Eastern Defences - -	500,000	-	-	500,000
Dover -	Dover -	Castle Hill Fort - -	90,000	25,000	25,000	40,000
		Dover Castle - -	10,000	5,000	1,000	4,000
		Western Heights - -	150,000	60,000	64,000	25,000
Cork -	Cork -	Spike Island Defences - -	10,000	2,000	2,000	6,000
		Carlisle Fort - -	80,000	9,000	20,000	50,000
		Camden Fort - -	70,000	4,000	8,000	58,000
Lands	-	-	1,030,000	430,000	—	—
Site for Central Arsenal	-	-	150,000	—	—	—
Incidental Expenses	-	-	-	50,000	—	—
£			6,860,000	1,330,000	1,200,000	3,580,000
Available from Amount provided by 23 & 24 Vict. c. 109. for payments for Lands purchased, and incidental Expenses				670,000		
Provided for by 23 & 24 Vict. c. 109.				2,000,000		
Total of this Enactment				1,200,000		
Total of both Enactments				3,200,000		

Fortifications (Provision for Expenses).

A

BILL

[AS AMENDED IN COMMITTEE]

For providing a further Sum towards
defraying the Expenses of construct-
ing Fortifications for the Protection of
the Royal Arsenals and Dockyards and
the Ports of Dover and Portland, and
of creating a Central Arsenal.

(Prepared and brought in by
Mr. Massey, Sir George Lewis, Viscount
Palmerston, and Lord Clarence Paget.)

Ordered, by The House of Commons, to be Printed,
14 July 1862.

[Bill 207.]

Under 202

8 July 1862. 25 & 26 VICT.



A

B I L L

INTITULED

An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs.

[NOTE.—The Clause and Words printed in Red Ink are proposed to be inserted in Committee.]

WHEREAS it is expedient to make Provision for the better Preamble.
Protection and Charge of enclosed Garden or Orna-
mental Grounds which have been set apart for the Use of
the Inhabitants of any Square, Crescent, Circus, Street, or Place
5 surrounding or adjoining such Gardens or Grounds in any City or
Borough: Be it enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, as follows:

- 10 1. Where in any City or Borough any enclosed Garden or Orna-
mental Ground has been set apart in any Square, Crescent, Circus,
Street, or Place, for the Use or Enjoyment of the Inhabitants thereof,
and where the Trustees, Commissioners, or other Body appointed for
the Care of the same have neglected to keep it in proper Order, or
15 where such Garden or Ground has not been vested in or placed under
the Management of any Trustees, Commissioners, or other Body for
the Care of the same, and from the Want of such Care, or from any
other Cause, has been neglected, the Metropolis Board of Works,
where the same is in any Place under their Jurisdiction, except
[Bill 196.] A the
- Gardens in
Squares, &c.
of Fifty
Years Stand-
ing may be
freed from
Neglect, En-
croachments,
&c. and
vested in a
Committee
of rated
Inhabitants,
or if such
decline, in
the Metro-

politan Board
of Works
or Corporate
Authority.

the City of London (where the Provisions of this Act shall be carried into effect by the Corporation of the said City), and the Corporate Authorities in any other City or Borough, shall take charge of the same, putting up a Notice or Notices to that Effect in such Garden or Ornamental Ground, and if after due Inquiry the Person entitled 5 to any Estate of Freehold in the same cannot be found, or if it shall be vested in any Person by whom it is held, subject to any Condition or Reservation for keeping the same as and for a Garden or Pleasure Ground, or that the same shall not be built upon, but not otherwise, shall cause any Buildings or other Encroachment made 10 therein within the Period of Twenty Years before the passing of this Act to be removed, and (if requested by a Majority of Two Thirds of the Owners and of the Occupiers of the Houses surrounding the same) shall vest such Garden or Ornamental Ground in a Committee consisting of not more than Nine nor fewer than Three of the rated 15 Inhabitants of such Houses to be chosen annually by such Inhabitants ; and the Vestry or Board of any and every Parish or District within which the same or any Part thereof is situate shall from Time to Time cause to be raised the Sums required by such Committee for defraying 20 the Expenses of the Maintenance and Management of such enclosed Garden or Ornamental Ground, or of such Part thereof as is situate within their Parish or District, by an Addition to the General Rate to be assessed on the Occupiers of such Houses ; or if the said Owners and Occupiers shall not agree as aforesaid to undertake the 25 Charge of such Garden or Ornamental Ground, the Metropolis Board of Works or Corporate Authority aforesaid shall, within Six Months after the Notice herein-before mentioned shall have been put up within the same, or within such further Time as the said Board or Authority may think it expedient to allow for such Agreement 30 to be come to, vest the same in such Vestries or Boards, who shall thenceforth take charge of and maintain the same as an open Place or Street in such Manner as shall appear to them most advantageous to the Public, subject to the Approval of the Metropolis Board of Works or Corporate Authority, as the Case may require ; saving and 35 always reserving to every Person and Persons, his and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, and Interest as he, she, or they would or ought to have had and enjoyed of, in, to, from, or out of the Gardens and Grounds aforesaid in case this Act had not passed. 40

Protection of
open Spaces
from En-
croachment.

2. And whereas the Public are greatly interested in the Maintenance of such Gardens and Grounds as open Spaces, and it is expedient that the same should be carefully protected from undue Encroachment, where any Right to require that any Garden or Ornamental

Ornamental Ground as aforesaid, be kept and maintained as such, or that the same shall not be built upon, shall belong to any Person in right of any House or other Property, and he shall by Notice in Writing signed by him addressed to the Metropolis Board of Works
 5 where the same is in any Place under their Jurisdiction, except the City of London, where the same shall be addressed to the Corporation of the said City, or in any other City or Borough to the Corporate Authorities thereof, requesting the said Metropolitan Board of Works or Corporate Authority to protect the Right before mentioned, the said
 10 Metropolis Board of Works or Corporate Authority, after due Inquiry, may, if they shall think fit, accede to such Request, and then and thereupon the Right of such Person to require that such Garden or Ornamental Ground to be maintained as such, or that the same shall not be built upon, shall thenceforth be vested in such Metropolis Board
 15 of Works or Corporate Authority, who shall be fully empowered, for and in their own Name, to exercise all the Rights, Powers, and Privileges in relation thereto, and take such legal Proceedings for asserting, defending, and protecting the same as the said Person might have exercised or taken.

20 Any Charge incurred by the Metropolitan Board of Works in the Execution of this Act shall be deemed to be Expenses of the said Board for Payment whereof Provision is made by the Act for the better local Management of the Metropolis; and the Expenses incurred by any Corporate Authority shall be deemed to be Expenses
 25 necessarily incurred by them in carrying into execution within and for their City or Borough the Act intituled "An Act to provide for the Regulation of Municipal Corporations in England and
 "Wales," and any other Act amending the same. Expense-
how to be
defrayed.

3. Where any such Garden or Ground is managed by any Com-
 30 mittee of the Inhabitants of any Square, Crescent, Circus, Street, or Place, such Committee may make, and from Time to Time revoke and alter, Byelaws for the Management of the same, and for the Preservation of the Trees, Shrubs, Plants, Flowers, Rails, Fences, Seats, Summer-houses, and other Things therein, which Byelaws shall
 35 be entered in a Book kept for that Purpose by the Committee, signed by the Chairman of the Meeting at which the same shall be passed, and which Book shall and may be produced and read, and taken as Evidence of such Byelaws, in all Courts whatever, and any Inhabitant or Servant, or other Person admitted to such Garden by any Inhabi-
 40 tant, offending against the same, after they shall have been duly allowed, as herein-after provided, upon Proof thereof before a Magistrate acting for the District in which such Garden is situate, shall be liable for each Offence to a Penalty not exceeding Five Pounds:

[196.]

A 2

Provided

Byelaws for
Management
of Garden,
&c.

Provided always, that such Byelaws shall not come into operation until the same shall have been allowed by some Judge of one of the Superior Courts, or by the Justices in Quarter Sessions; and it shall be incumbent on such Judge or Justices, on the Request of such Committee, to inquire into any Byelaws tendered to them for that 5 Purpose, and to allow or disallow the same as they think meet.

Penalty for
injuring
Garden.

4. Any Police Constable who shall see any Person throwing any Rubbish into any such Garden, or trespassing therein, or getting over the Railings or Fence, or stealing or damaging the Flowers or Plants, or committing any Nuisance therein, may apprehend such 10 Person, under the Authority hereby given to him; and any Person convicted before any Magistrate acting for the District shall be liable for each and every Offence aforesaid to a Penalty not exceeding Forty Shillings, or to Imprisonment for any Period not exceeding Fourteen Days. 15

Certain Pro-
visions of
18 & 19 Vict.
c. 120. to be
incorporated
with this
Act, and to
apply to
Penalties, &c.
imposed
thereby, &c.

5. The Provisions contained in the Two hundred and twenty-fifth, Two hundred and twenty-sixth, Two hundred and twenty-seventh, and Two hundred and twenty-eighth Sections of the Act of the Eighteenth and Nineteenth Victoria, Chapter One hundred and twenty, shall be incorporated in this Act, and shall apply to any Penalty or Forfeiture 20 imposed by this Act, or any Byelaw made in pursuance thereof, in and for every Matter or Thing done or omitted to be done within the Metropolitan District; and the Act of the Eleventh and Twelfth Victoria, Chapter Forty-three, shall apply to every Penalty or Forfeiture imposed by this Act, or any Byelaw made in pursuance thereof, 25 for any Matter or Thing done or omitted to be done within any other Part of England and Wales.

11 April 1862. 25 VICT.



A

B I L L

TO

Enable Grand Juries in Ireland to alter the
Remuneration of the Secretaries of the Grand
Juries.

WHEREAS an Act was passed in the Fourth Year of the Preamble.
Reign of King George the Fourth, Chapter Forty-three, 4 G. 4.
which regulated and fixed the Salaries of Grand Jury c. 43.
Secretaries in Ireland: And whereas by Acts passed in the Third 3 & 4 W. 4.
5 and Fourth and Sixth and Seven Years of the Reign of King Wil- c. 78.
liam the Fourth the Duties of the Secretaries were increased, and 6 & 7 W. 4.
their Travelling Expenses largely increased, without any Provision c. 116.
being made for meeting the same: And whereas at the present Time
the Salaries so fixed are not sufficient Remuneration for the Services
10 of the Secretaries and their necessary Office and Travelling Expenses:
And whereas it is expedient to amend the said Acts, so far as relates
to the Provisions therein contained respecting such Salaries, and to
make other Provisions respecting such Secretaries: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows:

1. This Act shall be deemed to be incorporated with the said Act incor-
Acts, and shall be as if the said recited Acts (except such Parts porated
[Bill 94.] thereof

with said
Act.

thereof as shall have been amended by this Act) and this Act were
One Act.

Interpreta-
tion of
Terms.

2. In the Construction and for the Purpose of this Act (if not inconsistent with the Context) the following Terms shall have the Meanings herein-after assigned to them; that is to say, "County" shall include "Riding," and "Assize" shall include "Presenting Term."

Grand Jury
may increase
the Salary of
any Secre-
tary, on Ap-
plication.

3. It shall be lawful for the Grand Jury of every County, County of a City or County of a Town, if they shall think fit, at any Assizes after the *passing of this Act*, upon the Application of the Secretary of the Grand Jury of such County, County of a City or County of a Town, to determine by a Majority of the Voices of such Grand Jurors that the annual Salary payable under the Provisions of the said recited Acts of such Secretary shall be increased to such annual Salary as such Grand Jury shall think fit, not exceeding the Amount specified in the Schedule (A.) to this Act annexed, and the Foreman shall thereupon endorse upon such Application the Word "Approved," and the Amount of such annual Salary so approved of, and the Secretary to the Grand Jury shall submit the same to the next Presentment Sessions to be held for the County at large in such County, and the Chairman of the Presentment Sessions shall endorse their Opinions thereon, and the Secretary to the Grand Jury shall deliver such Application so endorsed to the Grand Jury at the next Assizes, and the said Grand Jury shall, upon Consideration of the said Application, either disallow such Application altogether, or present such Salary as shall have been approved of, or any Modification thereof to be paid to such Secretary in lieu of the Salary payable to him under the said recited Acts; and a Moiety of such annual Salary for the Half Year last past, and for each succeeding Half Year, shall be presented by the said Grand Jury, and by the Grand Jury at each succeeding Assizes, and Payment shall be made of the same, subject to the same Provisions with respect to Neglect or Misconduct as are contained with respect to the Salaries of Grand Jury Secretaries in the said recited Acts.

Secretary
to keep an
Office and
Clerk.

4. Each Secretary to the Grand Jury for a County shall employ One fit and competent Person to be a Clerk in his Office, who shall give regular Attendance to the said Office, and for whose Conduct such Secretary shall be at all Times responsible; and the Grand Jury of each County is hereby authorized to present to such Secretary a Sum not exceeding *Fifty Pounds* in each Year to pay the Salary of such Clerk, a *Moiety* whereof the said Grand Jury is authorized to present for the Half Year last past, and to pay the same

same to such Secretary accordingly; subject always to the Provisions in the said recited Acts, contained with respect to the Payment of the Salary of such Secretary.

5. Provided always, That in case of the Illness or unavoidable
 5 Absence of any Secretary to a Grand Jury it shall be lawful for
 such Secretary to appoint his said Clerk or other competent Person
 to act for him, and to perform the Duties of such Secretary during
 such Illness or unavoidable Absence: Provided also that every
 Secretary shall in such Case be responsible for the Acts of his Assist-
 10 ant so acting for him, and subject to the same Provisions respecting
 Neglect, Misconduct, or otherwise as are in this or the recited Acts
 contained with respect to the Salaries of Grand Jury Secretaries.

Secretary
 may appoint
 a Clerk or
 fit Person
 to act for
 him in case
 of Illness
 or unavoida-
 ble Ab-
 sence.

6. This Act shall only extend to that Part of the United
 Kingdom called Ireland, and shall not extend to or affect the County
 15 of the City of Dublin.

Extent of
 Act.

SCHEDULE (A.)

TABLE OF CLASSIFICATION OF COUNTIES.

Salaries of Secretaries.

	£
Class 1 - - - -	300
Class 2 - - - -	285
Class 3 - - - -	240
Class 4 - - - -	87
County of Cork - - - -	450
City of Cork - - - -	160
County of Tipperary - - - -	350

Class 1 comprehends the Counties of Down, Antrim, Kerry, Clare, Wexford, Londonderry, Meath, Tyrone, Mayo, Galway, Donegal, Limerick.

Class 2 comprehends the Counties of Roscommon, Waterford, Armagh, Kilkenny, Wicklow, Cavan, Fermanagh, Queen's, King's, Sligo, Kildare.

Class 3 comprehends the Counties of Monaghan, Westmeath, Leitrim, Louth, Carlow, and Longford.

Class 4,—Cities and Towns.

Grand Jury Secretaries (Ireland).

A

B I L L

To enable Grand Juries in Ireland to
alter the Remuneration of the Secre-
taries of the Grand Juries.

(Prepared and brought in by
Mr. Hennessy and General Upton.)

Ordered, by The House of Commons, to be Printed,
11 April 1862.

[Bill 94.]

Under 1 oz.

23 July 1862. 25 & 26 VICT.



A

B I L L

INTITULED

An Act for amending an Act of the Session of the
Twenty-third and Twenty-fourth Years of the
Reign of Her present Majesty, Chapter One
hundred and thirty-nine, intituled “An Act to
“ amend the Law concerning the making,
“ keeping, and Carriage of Gunpowder and
“ Compositions of an explosive Nature, and
“ concerning the Manufacture, Sale, and Use
“ of Fireworks.”

WHEREAS by an Act of the Twenty-third and Twenty- Preamble.
fourth Years of the Reign of Her present Majesty, 23 & 24 Vict.
Chapter One hundred and thirty-nine, intituled “An Act c. 139.

“to amend the Law concerning the making, keeping, and Carriage of
5 “Gunpowder and Compositions of an explosive Nature, and
“concerning the Manufacture, Sale, and Use of Fireworks,” and
herein-after referred to as the principal Act, divers Regulations are
made with respect to the Manufacture and keeping of Gunpowder,
and with respect to the Manufacture of loaded Percussion Caps, and
[Bill 228.] the

the Manufacture and keeping of Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature: And whereas by the Twenty-fifth Section of the principal Act Provisions are made with respect to the Issue of Warrants to search and with respect to searching for Gunpowder, and by the 5 Twenty-seventh Section of the same Act special Powers are given to the Conservators of the River Thames of appointing Searchers for Gunpowder within their Jurisdiction: And whereas it is expedient to extend the said Sections to loaded Percussion Caps, Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Com- 10 position of an explosive Nature: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of
Sects. 25 & 27
of principal
Act to other
Explosive
Composi-
tions.

1. The Twenty-fifth and Twenty-seventh Sections of the principal 15 Act shall be construed and applied as if the Word Gunpowder therein mentioned included loaded Percussion Caps, Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Com- position of an explosive Nature.

Divisional
Magistrates
of Police to
exercise
licensing
Powers
within the
Dublin Po-
lice District.

2. Whereas by an Act passed in the Session holden in the 20 Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter One hundred and thirty, it is provided that all Powers of granting Licences by the principal Act given to Justices of the Peace at their General Quarter Sessions shall be transferred to and vested in the Justices in Petty Sessions assembled: And 25 whereas within the Police District of Dublin Metropolis the Powers usually exercised by Justices of the Peace in Petty Sessions are exercised by any Two or more Divisional Magistrates of Police; and it is expedient to amend the said Act of the Twenty-fourth and Twenty-fifth of Victoria, Chapter One hundred and thirty, in manner 30 herein-after mentioned: Be it enacted, That the Powers of licensing given by the principal Act and the said Act amending the same to Justices in Petty Sessions assembled may, within the Police District of Dublin Metropolis, be exercised by any Two or more Divisional Magistrates of Police; and that it shall be lawful for the said Divi- 35 sional Magistrates of Police, or any Two or more of them, with the Sanction of the Lord Lieutenant of Ireland, to regulate the Mode in which Applications for Licences under the said Act are to be made, and to make a Scale of Fees to be charged in respect of such Licences; moreover, all Powers given by the principal Act, or any 40 Act amending the same, to One of Her Majesty's Principal Secretaries

Secretaries of State may be exercised in Ireland by the Lord Lieutenant or other Chief Governor or Governors.

3. The principal Act may be cited for all Purposes as "The Gunpowder Act, 1860," and this Act may be cited for all Purposes as "The Gunpowder Act Amendment Act, 1862."

Short Title
of principal
Act and
amending
Act.

Gunpowder Act Amendment.

A

B I L L

INTRODUCED

An Act for amending an Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled “An Act to amend the Law concerning “the making, keeping, and Carriage “of Gunpowder and Compositions of “an explosive Nature, and concerning “the Manufacture, Sale, and Use of “Fireworks.”

(Brought from the Lords 22 July 1862.)

*Ordered, by The House of Commons, to be Printed,
23 July 1862.*

[Bill 228.]

Under 1 oz.

Harbours Transfer Bill.

ARRANGEMENT OF CLAUSES.

Short Title ; Sect. 1.

Interpretation ; 2.

Preliminary Inquiries Act, 1851.

Board of Trade may exercise Powers under Preliminary Inquiries Act, 14 & 15 Vict. c. 49. ;—3.

Board of Trade to inform Admiralty of pending Schemes ; Admiralty may intervene where necessary for Protection of Interests of Naval Service ; 4.

Harbours, Docks, and Piers Clauses Act, 1847.

Consent, &c. of Board of Trade as to Harbour Works on Tidal Lands, Lifeboats, &c. ; 5.

Railways Clauses Consolidation Acts, 1845.

Consent and Approval of Board of Trade to Railway Works on Tidal Lands ; 6.

Tramways (Ireland) Act, 1860.

Plans, &c. to be deposited with Board of Trade under 23 & 24 Vict. c. 152. s. 41. ;—7.

Special Acts for Railways, Harbours, &c.

Powers for Protection of Navigation, &c. under Local Acts for Harbours, Railways, and other Works on Tidal Lands, &c. to be exercised by Board of Trade ; 8.

General Pier and Harbour Act, 1861, and Amendment Act.

Parts of 24 & 25 Vict. c. 45. relative to Admiralty repealed ; 9.

Pier and Harbour Act Amendment Act repealed as to Deposit at Admiralty Office ; 10.

Provisions of same Act made applicable to Board of Trade ; 11.

Public Harbours : 46 Geo. 3. c. 153.

Notices of Piers, &c. to be given to Board of Trade ; 46 G. 3. c. 153. ;—12.

[Bill 149.]

a

Ballast :

Ballast: 54 Geo. 3. c. 159.

Provisions as to Ballast to be administered by Board of Trade;
54 G. 3. c. 159. s. 16;—13.

Holyhead.

Transfer of Harbour in Schedule; 14.

Powers, &c. under Acts in Schedule and other Acts to be exercised
by Board of Trade; 15.

Savings.

Prerogative of Crown, and general Conservancy Powers of Admiralty;
16.

Acts done, Contracts and Appointments made, Proceedings pending,
&c. under Provisions of former Acts not to be prejudicially affected;
17.

Borrowing Powers of Harbour Authorities.

Power to borrow, whether authorized by Special Act or not, 24 & 25
Vict. c. 47. s. 3;—18.

Borrowing Power not restrained by Limitation of Amount in Special
Act; 19.

Maximum Limit of Rates mentioned in 24 & 25 Vict. c. 47. s. 3.
p. 7. repealed; 20.

SCHEDULE.

5 June 1862. 25 VICT.



A

B I L L

FOR

Transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts; and for other Purposes.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 **1.** This Act may be cited as The Harbours Transfer Act, Short Title. 1862.

2. In this Act—

The Term "the Admiralty" shall be taken to mean the Lord High Admiral of the United Kingdom for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral; and when the said Term is used by way of Reference to any other Act, it shall be taken to comprise and apply to any Term whatsoever used in such other Act to designate such Lord High Admiral or Commissioners:

Interpreta-
tion.

10

[Bill 149.]

A

The

The Term "the Board of Trade" shall be taken to mean the Lords of the Committee of Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Preliminary Inquiries Act, 1851.

5

Board of Trade may exercise Powers under Preliminary Inquiries Act, 14 & 15 Vict. c. 49.

3. Whenever after the *End of the present Session of Parliament* Application is made to Parliament for any such Bill as is described in The Preliminary Inquiries Act, 1851, the Board of Trade may exercise the Powers by that Act given to the Admiralty; and in relation to every such Bill that Act shall be read as if the Board of Trade were therein named instead of the Admiralty. 10

Board of Trade to inform Admiralty of pending Schemes.

4. Provided always, as follows:

(1.) In each Year as soon as may be, and not more than *Fourteen Days* after the Deposit at the Office of the Board of Trade of such Documents as may be required by the Standing Orders of either House of Parliament to be there deposited with reference to such Bills as aforesaid, the Board of Trade shall furnish to the Admiralty a List of all such Bills for which Applications to Parliament may be then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers may be sought by such Bills respectively: 15 20

Admiralty may intervene where necessary for Protection of Interests of Naval Service.

(2.) Where in any Case, on Consideration of the Information so furnished, the Admiralty are of opinion that it is proper for them to take Steps for the Protection of the Interests of Her Majesty's Naval Service, they may exercise the Powers given to them by The Preliminary Inquiries Act, 1851, as if this Act had not been passed, and whether the Standing Orders of either House of Parliament may or may not have required any Documents to be deposited at the Admiralty Office. 25 30

Harbours, Docks, and Piers Clauses Act, 1847.

Consent, &c. of Board of Trade as to Harbour Works on Tidal Lands, Lifeboats, &c.

5. With respect to any Special Act that may be passed after the *End of the present Session of Parliament*, the following Sections of The Harbours, Docks, and Piers Clauses Act, 1847, and all Provisions relative thereto respectively in that Act or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Twelve, Thirteen, Sixteen, Eighteen, and Nineteen. 35

Railways Clauses Consolidation Acts, 1845.

40

Consent and Approval of Board of

6. With respect to any Special Act that may be passed after the *End of the present Session of Parliament*, Sections Seventeen of The 40

The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (Scotland) Act, 1845, respectively, and all Provisions relative thereto respectively in the said Acts or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections respectively instead of the Admiralty.

Tramways (Ireland) Act, 1860.

7. With respect to Applications made after the *Thirty-first Day of December One thousand eight hundred and sixty-two*, under The Tramways (Ireland) Act, 1860, Section Forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Plans, &c. to be deposited with Board of Trade under 23 & 24 Vict. c. 152. s. 41.

Special Acts for Railways, Harbours, &c.

8. Where any Special or Local or Local and Personal Act, or Act of a Local or Local and Personal Nature, already passed or to be passed before the End of the present Session of Parliament,—

Powers for Protection of Navigation, &c. under Local Acts for Harbours, Railways, and other Works on Tidal Lands, &c. to be exercised by Board of Trade.

- (1.) Authorizing or regulating the Construction of a Railway, or the Execution of any Work whatever, situate on or affecting Tidal Lands, or the Shore of the Sea or of any navigable River, where and so far up the same as the Tide flows and reflows; or,
- (2.) Authorizing or regulating the Construction or improving of a Harbour, Dock, or Pier, or Works connected therewith, by any Company, Body Corporate, Commissioners, Trustees, Undertakers, Persons or Person; or,
- (3.) Constituting or altering or regulating the Constitution of any Harbour or Conservancy Authority; or,
- (4.) Altering or regulating the Powers or Duties of any Harbour or Conservancy Authority,—

contains either expressly or by Incorporation or Reference or otherwise any Provision for any of the Purposes following:—

For preventing the Construction or Execution of any Work or the doing of any Thing without the Consent or Approval of the Admiralty, or for authorizing or requiring any Work to be constructed, executed, or maintained, or any Thing to be done with the Consent or on the Requisition or to the Satisfaction of the Admiralty:

For empowering the Admiralty to exercise any Authority concerning Lifeboats, Mortars, Rockets, Tide Gauges, or Barometers to be provided by any Undertakers:

For empowering the Admiralty to make a Local Survey or Examination at the Expense of any Company, Body, or Person:

For empowering the Admiralty, in case of any Work being abandoned or suffered to fall into Disuse or Decay, or in any other Case, to abate, remove, or alter any Work or any Part of it, or restore the Site thereof to its former Condition, at the like Expense :

For empowering the Admiralty to exercise any Authority concerning Lights to be maintained at Night during the Construction or Execution of any Work :

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a Member or Members of any Board or Body of Trustees, Commissioners, or Conservators, or of any Harbour or Conservancy Authority :

For empowering the Admiralty to determine any Dispute or Difference between or among any Bodies or Persons :

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint any Arbitrator, Referee, or Umpire, or any Engineer, Inspector, or Officer, or any Person to fill any Place or discharge any Duty under such Act :

or any other Provision for the Protection, Management, or Regulation of Harbours or Navigation, or for the Exercise of any Controul or Power over or in relation to any Harbour Authority, or any other Provision in any wise relating to Conservancy, or authorizing or requiring any Act or Thing concerning Harbours or Navigation or Conservancy to be done by or in relation to the Admiralty,—then from and after the *Thirty-first Day of December One thousand eight hundred and sixty-two*, such Acts respectively and all Enactments relative thereto shall be read and construed as if in the respective Provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

General Pier and Harbour Act, 1861, and Amendment Act. 30

Parts of
24 & 25 Vict.
c. 45., rela-
tive to Ad-
miralty re-
pealed.

9. From and after the *End of the present Session of Parliament*, the following Provisions of The General Pier and Harbour Act, 1861, shall be repealed; namely, so much of Section Six as shall be then in force, Sections Seven and Eight, and so much of Section Fifteen as relates to the Consent of the Admiralty.

35

Pier and
Harbour Act
Amendment
Act repealed
as to Deposit
at Admiralty
Office.

10. From and after the *End of the present Session of Parliament*, any Provision of The General Pier and Harbour Act, 1861, Amendment Act, requiring any Deposit of Documents to be made at the Admiralty Office, shall be repealed.

Provisions of
same Act
made appli-
cable to

11. From and after the *End of the present Session of Parliament*, the following Sections of The General Pier and Harbour Act, 1861, Amendment Act, and all Provisions relative thereto respectively in any

any other Act or in any Provisional Order of the Board of Trade contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Seven, Eight, Nine, Ten, and Eleven.

Board of Trade.

5 *Public Harbours: 46 Geo. 3. c. 153.*

12. From and after the *Thirty-first Day of December One thousand eight hundred and sixty-two* the Act of the Forty-sixth Year of King George the Third (Chapter One hundred and fifty-three) "for the Preservation of the Public Harbours of the United Kingdom," shall be read as if the Board of Trade were therein named instead of the Admiralty.

Notices of Piers, &c. to be given to Board of Trade.
46 G. 3. c. 153.

Ballast: 54 Geo. 3. c. 159.

13. From and after the *Thirty-first Day of December One thousand eight hundred and sixty-two*, Section Sixteen of the Act of the Fifty-fourth Year of King George the Third (Chapter One hundred and fifty-nine) "for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and navigable Rivers in the United Kingdom, and of His Majesty's Docks, Dockyards, Arsenals, Wharfs, Moorings, and Stores therein, and for repealing several Acts passed for that Purpose," and all Provisions in the said Act contained relative thereto, shall be read and construed as if the Board of Trade were named in the said Section instead of the Admiralty.

Provisions as to Ballast to be administered by Board of Trade.

54 G. 3. c. 159. s. 16.

Holyhead.

14. On the *First Day of January One thousand eight hundred and sixty-three*, the Harbour specified in the Schedule to this Act, and all Breakwaters, Piers, Jetties, Quays, Wharves, Lighthouses, Roads, Approaches, Works, and Buildings belonging thereto, and the Ground and Soil thereof, and all Lands and Hereditaments acquired for the Purposes thereof, so far as on that Day such Harbour and Property respectively shall be vested in the Admiralty for any Estate or Interest, but not further or otherwise, shall be transferred to and vested in the Board of Trade for the Time being, to be held by the Board of Trade for the Time being in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Transfer of Harbour in Schedule.

15. On and after the same Day the several Acts of Parliament mentioned in the said Schedule, and every other Act of Parliament relating to or affecting the Harbour in the same Schedule specified, shall be read and construed as if the Board of Trade were therein named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

Powers, &c. under Acts in Schedule and other Acts to be exercised by Board of Trade.

Savings.

Prerogative
of Crown
and general
Conservancy
Powers of
Admiralty.

16. Nothing in this Act shall affect—

- (1.) Any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or belonging to Her Majesty the Queen, Her Heirs or Successors, in right of Her Crown, or of Her Office of Admiral, or otherwise :
- (2.) Any Right, Duty, Power, Jurisdiction, or Authority vested in or performed or exercised by, or capable of being performed or exercised by, the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, otherwise than under or by virtue of the several Acts of Parliament herein-before expressly mentioned or referred to.

Acts done,
Contracts
and Ap-
pointments
made, Pro-
ceedings
pending, &c.
under Pro-
visions of
former Acts
not to be
prejudicially
affected.

17. Nothing in this Act shall prejudicially affect—

- (1.) Any Purchase, Sale, Conveyance, Covenant, Contract, Deed, Act, or Thing which, before the passing of this Act has been, or before the respective Days whereon the several Provisions of this Act commence and take effect, shall be made, entered into, executed, or done under or by virtue of any Act of Parliament herein-before expressly mentioned or referred to; and the same respectively shall continue in as full Force and be as valid and effectual as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty :
- (2.) Any Debt or Money Demand, or any Right or Cause of Action or Suit, or other Remedy of, for, or against the Admiralty or any other Body or Person; and the same respectively shall and may be paid, discharged, enjoyed, used, or exercised as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty :
- (3.) Any Nomination or Appointment of any Member of any Board or Body of Trustees, Commissioners, or Conservators, or of any Harbour or Conservancy Authority, which before the passing of this Act has been or before the respective Days aforesaid shall be made under any such Act of Parliament as aforesaid :
- (4.) Any Action, Suit, Prosecution, Proceeding, or Thing which before the passing of this Act has been or before the respective Days aforesaid shall be commenced under or by virtue of any such Act of Parliament as aforesaid; and the same respectively shall and may be carried on and completed as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty.

Borrowing

Borrowing Powers of Harbour Authorities.

18. The Power given to a Harbour Authority by The Harbours and Passing Tolls, &c. Act, 1861, to borrow from the Public Works Loan Commissioners shall be deemed to apply whether the Harbour Authority has or has not Power to borrow under a Special Act.
19. A Harbour Authority may, subject and according to the Provisions of the last-mentioned Act, borrow Money to any Amount whatever, notwithstanding any Limitation of the Amount to be borrowed by such Harbour Authority contained in any Special Act; but nothing in The Harbours and Passing Tolls, &c. Act, 1861, or in this Act, shall be deemed to repeal or alter any Provision of any Special Act whereby any Harbour Authority being a Company is restricted from borrowing until a definite Portion of Capital is subscribed for or taken or paid up.
20. Section Three, Paragraph Seven, of The Harbours and Passing Tolls, &c. Act, 1861, shall be read and construed as if the Words "not exceeding the Rates specified in the Schedule to The Burgh Harbours (Scotland) Act, 1853," were omitted therefrom.

Power to borrow, whether authorized by Special Act or not.
24 & 25 Vict. c. 47. s. 3.

Borrowing Power not restrained by Limitation of Amount in Special Act.

Maximum Limit of Rates mentioned in 24 & 25 Vict. c. 47. s. 3. p.7. repealed.

SCHEDULE.

Harbour.	Acts.
Holyhead - - - -	10 & 11 Vict. c. 76. 17 & 18 Vict. c. 44.

Harbours Transfer.

A

BILL

For transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts ; and for other Purposes.

(*Prepared and brought in by*
Mr. Massey, Mr. Milner Gibson, and Mr. Hutt.)

Ordered, by The House of Commons, to be Printed,
5 June 1862.

[Bill 149.]

Under 2 oz.

7 July 1862. 25 & 26 VICT.



A

B I L L

TO

Transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.

WHEREAS by the Act Forty-third George the Third, 43 G. 3. Chapter Eighty, the Sum of Twenty thousand Pounds ^{c. 80.} was directed to be issued from His Majesty's Exchequer in Great Britain, to be paid and applied by the Commissioners there-
 5 by appointed in the making and erecting Roads and Bridges in the Highlands of Scotland: And whereas by the Act Fifty-ninth George 59 G. 3. the Third, Chapter One hundred and thirty-five, further Commis- ^{c. 135.} sioners were appointed, and on a Recital that certain Roads and Bridges had been made in the Highlands of Scotland, and that
 10 various Grants of Monies had been made for that Purpose, Provision was made for the Appropriation of the Monies granted in manner therein mentioned, and for the Payment out of the Public Money of a Sum of Five thousand Pounds annually towards the Purposes of the said Act: And whereas by the Act Fourth George the Fourth, 4 G. 4. c. 56.
 [Bill 191.] A Chapter

Chapter Fifty-six, Provision was made for eventually increasing the Assessments leviable under the recited Acts, or for erecting Toll Bars for the Collection of Rates and Duties or Tolls in aid or in lieu of such Assessments, and for the Purpose of maintaining in repair the several Piers and Quays erected by the said Commissioners under 5 the Authority of the recited Acts, or One of them, Power was given to the said Commissioners to levy certain Tolls or Dues on Vessels or Boats using, and on Goods embarked from or landed at such Piers and Quays : And whereas by the Act Fifth George the Fourth, Chapter Thirty-eight, further Provision was made for the Execution 10 of the recited Acts, and specific Allotments out of the said annual Grants of Five thousand Pounds were made to the Counties therein mentioned in aid of the Expense of repairing the Roads and Bridges within the same : And whereas by the Act Third and Fourth 3 & 4 W. 4. c. 33. William the Fourth, Chapter Thirty-three, certain Powers were 15 given to the said Commissioners to remove Doubts that had arisen in the Interpretation of the Two last-recited Acts in Cases where Tolls had been imposed upon Roads, for the Maintenance of which such Tolls had afterwards proved inadequate, and on a Recital that it had in some Cases appeared inexpedient to the said 20 Commissioners to enforce the Provisions of the third-recited Act made for the Purpose of maintaining in repair the Piers and Quays erected by the said Commissioners, by levying Tolls or Dues thereon, the said Commissioners were empowered, in case they should deem it expedient, with the Consent of the Heritors and Commissioners of 25 Supply of the County within which such Piers or Quays should be situate, to assume the Care of maintaining in repair, altering or improving the same, and such Piers and Quays were thenceforth to be maintained in repair by them in the same Manner, and with and under the same Powers and Limitations as the Roads and Bridges 30 whereon no Tolls were levied : And whereas under the Provisions of the recited Acts Roads and Bridges have been made, and Harbours, Ferry Piers, and Shipping Quays have been constructed in the Northern Counties of Scotland : And whereas by the Act Fourteenth and Fifteenth Victoria, Chapter Sixty-six, on a Recital that the 35 Stone Bridge over the River Ness at the Royal Burgh of Inverness, had been destroyed by a Flood, and that there were no adequate available Means of defraying the Expenses of rebuilding the same, the said Commissioners were empowered to make a new Bridge over the River Ness, and Provision was made for the Appropriation of a Sum 40 of Public Money, and also for an Advance of Ten thousand seven hundred Pounds out of the Consolidated Fund by way of Loan, and for the Repayment of the said Sum of Ten thousand seven hundred Pounds, with Interest, by means of certain annual Payments out of the Sums allotted by the fourth-recited Act, out of the annual 45 Grant

Grant of Five thousand Pounds: And whereas by the Act Eighteenth and Nineteenth Victoria, Chapter One hundred and thirteen, the Provisions of the last-recited Act were extended, and on a Recital that the Expense of erecting the said Bridge had exceeded
5 the estimated Amount thereof, Provision was made for an Advance of a further Sum of Three thousand Pounds out of the Consolidated Fund by way of Loan, to be repaid, with Interest, in the same Manner as is provided by the last-recited Act with reference to the said Sum of Ten thousand seven hundred Pounds: And whereas such
10 annual Payments have hitherto been regularly made, pursuant to the Provisions of the Two last-recited Acts: And whereas by the Act Seventeenth and Eighteenth Victoria, Chapter Ninety-four, the annual Grant to the Commissioners charged by the second-recited Act upon the Public Revenues was directed to be
15 thereafter paid out of such Aids or Supplies as might be from Time to Time provided by Parliament for the Purpose: And whereas the Payment of the said annual Sum of Five thousand Pounds has been discontinued by Parliament, and it is expedient that the Commission constituted by the first and second recited Acts should be dissolved,
20 and that Provision should be made for winding up the Affairs thereof, and for the Maintenance of the Roads and Bridges, Harbours, Piers, and Quays made and erected under the Provisions of the recited Acts: And whereas by the Act Sixth and Seventh Victoria, Chapter Ninety-seven, the County of Argyll was for Road Purposes divided
25 into Districts, which were placed under the Superintendence of District Road Trustees, and certain Provisions were made for the Purpose of maintaining the Roads under the Management of the said Commissioners: And whereas by the Act Twenty-third and Twenty-fourth Victoria, Chapter Two hundred and one, all the Roads in the
30 County of Caithness, with the Exception of the Roads under the Management of the said Commissioners, were vested in Trustees for the whole County: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
35 and by the Authority of the same, as follows:

18 & 19 Vict.
c. 113.

17 & 18 Vict.
c. 94.

6 & 7 Vict.
c. 97.

23 & 24 Vict.
c. 201.

1. This Act may be cited for all Purposes as "The Highland Short Title. Roads and Bridges Act, 1862."

2. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Commissioners" shall mean the Commissioners for Highland Roads and
40 Bridges; and the Expression "the Roads" shall mean the Roads and Bridges at present under the Management of the Commissioners.

Interpreta-
tion of
Terms.

Dissolution
of the Com-
mission.

3. From and after the *Thirty-first Day of December One thousand eight hundred and sixty-two*, the Powers of the Commissioners shall, so far as regards the Control and Management of the Roads, and the Appointment and Payment of Officers, cease and determine, but all other Powers now vested in the said Commissioners shall, for the 5 Purpose of winding up their Affairs, remain and be exerciseable until the Commissioners shall, in compliance with the Provision contained in the second-recited Act, present their next Report to Parliament, and upon the Presentation of such Report, the Commission constituted by the first and second recited Acts shall be absolutely 10 dissolved.

Transfer of
Roads and
other Pro-
perty to
Commis-
sioners of
Supply.

4. From and after the said *Thirty-first Day of December One thousand eight hundred and sixty-two*, the Roads which in any County are at present under the Management of the Commissioners, together with the Bridges, Lands, Toll Houses, Buildings, Works, Rights, 15 Interests, Arrears of Assessments, Monies, Property, and Effects, Rights of Action, Claims, and Demands whatsoever pertaining thereto respectively, shall, except in the Case of the Counties of Argyll and Caithness, be and are hereby transferred to and vested in the Com- 20 missioners of Supply of such County, and in the Case of the said County of Argyll shall be and are hereby transferred to and vested in the Road Trustees of the respective Districts of such County within which the Roads are respectively situate; and in the Case of the said 25 County of Caithness shall be and are hereby transferred to and vested in the Road Trustees of such County, and such Commissioners of Supply or Road Trustees (as the Case may be) may act in respect thereof as effectually as the Commissioners might have done if this Act had not been passed.

Roads to be
maintained
by Commis-
sioners of
Supply.

5. From and after such Transfer as aforesaid, the Management of the Roads shall be vested in the Commissioners of Supply, or in 30 the Road Trustees (as the case may be,) of the Counties within which such Roads are respectively situate; and the Commissioners of Supply or Road Trustees respectively shall thereafter maintain in proper and efficient Repair the Roads so transferred to them, and shall respectively have and exercise with reference thereto, as well 35 all the Rights, Powers, and Privileges possessed and enjoyed by them in connexion with the Roads at present under their Jurisdiction and Control within their respective Counties, or Districts, as all the Rights, Powers, and Privileges which would have been competent to and might have been exercised by the Commissioners previous 40 to such Transfer: Provided always, that it shall not be lawful to demand and take more than *One Penny* per Mile for every Horse drawing any Mail Carriage.

6. After

6. After such Transfers as aforesaid, it shall be lawful for the Sheriff of any County in which any Part of the Roads is situate, and he is hereby required, upon a Complaint in Writing under the Hand of any *Four* Heritors in such County, or in any Road District in the said County of Argyll, setting forth that any of the Roads in such County or District are not in a proper State of Repair, to hear such Evidence as to the Condition of such Roads, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repairs of the Roads, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint, either by the Complainers or the Commissioners of Supply, or the Road Trustees, (as the Case may be,) as he may think fit, and the Orders and Decrees of the Sheriff shall be final, and not be subject to Revision or Appeal in any Court, or by any Process whatsoever.

Sheriff may make Orders for Repair of Roads.

7. All Contracts and Obligations entered into by or with the Commissioners or by or with any Person or Persons duly authorized by them, with reference to the Maintenance and Repair of the Roads or other Works in connexion therewith previous to such Transfer of Roads as aforesaid, shall after such Transfer absolutely cease and determine as regards the said Commissioners or any such Person or Persons as aforesaid, but shall be binding on and enforceable by and against the Commissioners of Supply for the County to which the same relate, or the Road Trustees as the Case may be, acting in pursuance of this Act, as fully as the same would have been binding on or enforceable by and against the Commissioners or such Person or Persons as aforesaid as if this Act had not been passed.

Subsisting Contracts may be enforced.

8. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the Commissioners shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Commissioners of Supply of the respective Counties acting in pursuance of this Act, or the Road Trustees (as the Case may be), so far as the same are applicable to the Roads to be transferred to such Commissioners of Supply or Road Trustees respectively as aforesaid, in the same Manner in all respects as if this Act had not been passed.

Actions not to abate.

9. The Commissioners of Supply of any County or the Road Trustees (as the Case may be) to whom the Roads may be transferred by the Operation of this Act may abandon, alter, straighten, divert, or stop up either temporarily or permanently any Portions of the Roads so respectively transferred to them, should such Portions of Roads become, in the Opinion of such Commissioners of Supply or Trustees

Power to abandon Portions of Roads.

unnecessary for General or Local Traffic, and for the special Purposes aforesaid the Commissioners of Supply of any County or the Road Trustees (as the Case may be) shall have and exercise all the Powers with respect to the Purchase of Lands by Agreement which are conferred upon the Promoters of the Undertaking by "The Lands 5
 Clauses Consolidation (Scotland) Act, 1845:" Provided always, that at least *Six Months* Notice of the Resolution or Order to effect any of such Purposes shall be given in Writing to the Owners of the Lands adjacent to such Roads, and during that Time such Resolution or Order shall be inserted for Three successive Weeks 10
 in some One and the same Newspaper published in the County in which such Portions of Roads proposed to be affected may be situate, or if there be none, then in some One and the same Newspaper published in some adjoining or neighbouring County.

Application
to Sheriff.

10. Any Person who shall think himself aggrieved by such Reso- 15
 lution or Order may, within *Ten Days* after he shall have received such Notice as aforesaid, apply by summary Petition to the Sheriff of the County within which the Roads proposed to be affected are situate, setting forth specifically his Objections, which Petition shall be intimated to and served upon the Commissioners of Supply 20
 or the Road Trustees (as the Case may be), whose Resolution or Order may be objected to, and a Time and Place shall be appointed by the Sheriff for hearing the Parties thereon; and after hearing the Petitioner and the Commissioners of Supply or the Road Trustees (as the Case may be), and any other Persons who may be interested 25
 in such Petition, and taking such Evidence as he shall deem necessary it shall be lawful for the Sheriff to suspend the Execution of such Resolution or Order, and to grant or refuse the Prayer of such Petition in whole or in part, and to sustain or repel such Objections, and to pronounce such Judgment in reference thereto as he shall 30
 think fit.

Appeal to
the Lord
Ordinary in
the Court of
Session.

11. If the Petitioners or Commissioners of Supply or the Road Trustees, (as the Case may be,) or any other Person interested in such Petition, and who made Appearance and was heard before the Sheriff, shall be dissatisfied with the Judgment of the Sheriff, it 35
 shall be competent to such Parties, or any of them, to appeal from such Judgment within *One Month* after the Date thereof, and to bring the same by Advocacy under Review of any Lord Ordinary in the Outer House of the Court of Session, and the Judgment to be pronounced by such Lord Ordinary in the Matter of such 40
 Petition shall be final, and shall not be subject to Review by the Inner House, or to Appeal to the House of Lords.

12. The Commissioners of Supply of the several Counties to whom the Roads are to be transferred by virtue of this Act shall annually impose and levy an Assessment in their respective Counties, either separately or as Part of a General Road Assessment, upon
 5 and from all Lands and Heritages within such Counties respectively, according to the yearly Rent or Value thereof, as established by the Valuation Rolls, made up under the Valuation of Lands (Scotland) Acts, Seventeenth and Eighteenth Victoria, Chapter
 10 Ninety-one, and Twentieth and Twenty-first Victoria, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in Scotland, or any Local Act relating to any of such Counties, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum
 15 as may be requisite to cover the Expenses of Assessment and Collection, and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts, or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to
 20 be levied under this Act; and the first of such annual Assessments shall be imposed at any of their Half-yearly Meetings after the passing of this Act for the Year from the *First Day of January One thousand eight hundred and sixty-three* to the *First Day of January One thousand eight hundred and sixty-four*.

Assessment to be levied for the Purposes of this Act.

25 13. From and after the said *Thirty-first Day of December One thousand eight hundred and sixty-two*, the Twenty-sixth and Twenty-seventh Clauses of the ninth-recited Act shall be and the same are hereby repealed, and so long as the said Act shall continue in force the General Road Trustees of the said County of Argyll shall
 30 annually apportion among the several Districts of the said County of Argyll, according to the Amount of their respective Valuations for Assessment under the ninth-recited Act, such a Sum as may be required for the Maintenance of the Military Roads and Bridges within the said County, and the Road Trustees of the several Districts
 35 within the said County of Argyll to whom the Roads are to be transferred by virtue of this Act may apply the Assessments which they are authorized to levy by such Act in or towards the Maintenance of the Roads within their respective Districts, in the same Manner in all respects as such Assessments are applicable to any Roads at present
 40 under their Jurisdiction and Control; and the Road Trustees of the said County of Caithness may apply the Assessments which they are authorized to levy by the last-recited Act in or towards the Maintenance of the Roads so transferred to them as aforesaid, in the same
 [191.] A 4 Manner

Roads in the Counties of Argyll and Caithness to be maintained out of Assessments levied under existing Act.

Manner in all respects as such Assessments are applicable to any Roads at present under their Jurisdiction and Control.

Burgh to
contribute to
Repair of
Roads.

14. When any Part of the Roads is situate within any Burgh the Authorities who shall be entitled to levy Assessments under this Act within the County or District within such Burgh may be situate shall 5 take whatever Steps may be necessary for ascertaining the probable annual Cost of repairing and maintaining such Part of the Roads, and they shall transmit to the Magistrates of such Burgh a Statement of such estimated Cost, and the Magistrates of such Burgh shall be bound within *One Calendar Month* after receiving such Statement to 10 lodge in Writing with the Clerk of the Commissioners of Supply any Objections which they may have to the same, with the Reasons for such Objections, and failing to do so they shall not thereafter be entitled to dispute the Correctness of the Statement; and if any Objections shall be so lodged and no Agreement can be come to as 15 to the Correctness of the Statement within *a Week* after such Objections shall have been lodged as aforesaid, the Matters in Difference shall be determined upon the Application of any of the Parties by the Sheriff, whose Decision shall be final and binding and shall not be liable to Appeal or Suspension, Advocation or Reduction, 20 or any other Form of Review; and upon the Statement being so agreed to or determined upon the Magistrates of each Burgh shall annually enforce and levy such an Assessment upon and from the Lands and Heritages within such Burgh as shall be sufficient to defray the annual Cost of repairing and maintaining such Part 25 of the Roads as aforesaid, and also the Cost of Assessment and Collection, and they may proceed in like Manner and with the same Powers and Right of Action and Diligence, and of rising summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or 30 General Assessment with which the said Magistrates may deem it most expedient the said Assessments should be laid on and collected and any Board or other Public Body which may be directed by the Magistrates of any Burgh to levy and collect the said Assessments are hereby empowered and required to do so: Provided that in any Burgh 35 in which there may be no Municipal, or Police, or other General Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment, they shall collect the same in such Manner and by means of such Collectors or other Persons as they shall from Time to Time appoint; and the Magistrates of each 40 Burgh shall from Time to Time hand over to the Commissioners of Supply of the Counties, or to the General Road Trustees, or to the District Road Trustees (as the Case may be) the full Amount of such annual

annual Assessment, after deducting the Cost of Assessment and Collection, such Amount of annual Assessment to be expended on Repair and Maintenance of the Roads within such Burgh.

15 15. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed under the Provisions to that Effect contained in the following Acts, viz., the Act Seventeenth and Eighteenth Victoria, Chapter Ninety-one, the Act Twentieth and Twenty-first Victoria, Chapter Fifty-eight, and the Act Twentieth and Twenty-first Victoria, Chapter
10 Seventy.

Boundaries of Burghs for the Purposes of this Act.

16. The whole Powers and Rights of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or any of them, and other Public Taxes, shall be applicable to the collecting,
15 levying, and recovering the Assessments under this Act, and all Sheriffs, Magistrates, Justices of the Peace, and other Judges, may grant the like Warrants for Recovery of all such Assessment in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes, and other Public Taxes, and all
20 Assessments imposed by virtue of this Act shall, in case of Bankruptcy or Insolvency, be paid out of the First Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Persons assessed.

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

17. From and after the *passing of this Act* the Commissioners of
25 Supply of the several Counties to whom the Roads shall be transferred by virtue thereof may nominate Committees of their Number, in such Manner and with such Powers and for such Periods as they may deem proper, to superintend the Management of the Roads, and the Commissioners of Supply of Counties or the Road Trustees
30 (as the Case may be) may appoint a fit Person or fit Persons to be Surveyor or Surveyors, Clerk or Clerks, or such other Officers as they shall think necessary for the due Execution of this Act, either separately or in connexion with other Roads under the Management of the Commissioners of Supply or Road Trustees (as the Case may
35 be), with such Salaries or Allowances as such Commissioners of Supply or Road Trustees (as the Case may be) shall think proper, for which Provision shall be made by Assessment made pursuant to this Act, and from Time to Time to remove such Officers or any of them as they shall see Occasion, and to appoint others in their
40 room.

Appointment of Committees and Officers.

Sum of
53,000*l.* to
be applied
towards Pay-
ment of the
Liabilities of
the Commis-
sioners.

18. And whereas it has been estimated that the Sum of *Five thousand three hundred* Pounds, or thereabouts, will be required to enable the Commissioners to meet their several Liabilities prior to the *Thirty-first Day of December One thousand eight hundred and sixty-two*: The Commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, for the Time being, are hereby empowered to direct the payment, out of any Monies to be provided by Parliament for that Purpose, of any Sum or Sums of Money not exceeding in the whole *Five thousand three hundred* Pounds for the Purpose of meeting such Liabilities.

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The Loans
of 10,700*l.*
and 3,000*l.*
extin-
guished.

19. From and after the *passing of this Act* all future Payments which would have been made pursuant to the Provisions of the Sixth and Seventh recited Acts for the Repayment of the said Sums of Ten thousand seven hundred Pounds and Three thousand Pounds, advanced on Loan as aforesaid, shall cease, and such Loans shall be considered as wholly repaid or extinguished.

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Transfer of
Piers and
Harbours
by Commis-
sioners.

20. And whereas the Commissioners have, under Powers conferred upon them by the recited Acts or some of them, constructed several Harbours, Piers, and Quays: And whereas the Harbours enumerated in Schedule (A.) to this Act have, by various Local Acts or otherwise, been transferred to and are now vested in other Bodies or Persons, and the Piers and Quays enumerated in Schedule (B.) to this Act, though maintained out of Assessments made in the Counties in which they are respectively situate, are still the Property of the Commissioners, and the Harbours enumerated in Schedule (C.) to this Act have for some Time been, and are now maintained and managed by the Proprietors of the Lands in which such Harbours are situate: And whereas it is expedient that Provision should be made for the future Maintenance of the Piers, Quays, and Harbours in the said Schedules (B.) and (C.) to this Act: Such of the Piers and Quays enumerated in the said Schedule (B.) to this Act as are situate in the said County of Argyll shall on the said *Thirty-first Day of December One thousand eight hundred and sixty-two* be transferred to the Road Trustees within whose Districts such Piers and Quays are respectively situate, and all other Piers and Quays enumerated in the said Schedule (B.) to this Act shall on the said *Thirty-first Day of December One thousand eight hundred and sixty-two* be transferred to the Commissioners of Supply of the Counties within which such Piers and Quays are respectively situate, and from and after such Transfers such Piers and Quays shall be maintained by such Road Trustees or Commissioners of Supply respectively (as the Case may be), in the same Manner and under the same Conditions as they are respectively bound

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bound to maintain the Roads to be respectively transferred to them under the Provisions of this Act; and the Harbours enumerated in the said Schedule (C.) to this Act may be transferred by the Commissioners in such Manner and upon such Terms as they shall think fit to the Owners of the Lands in which such Harbours are respectively situate; and in case any of such Owners shall decline to accept such Transfer, then to such other Person or Persons as the Commissioners may in the Exercise of their Discretion think right; and the Limits of any Harbour which may be transferred pursuant to this Act shall extend to *Three hundred Years*, measured in a straight Line along the Coast, on either Side of such Harbour, and the same Distance Seaward, measured from the Mouth or Entrance thereof: Provided always, that upon the Transfer of any Harbour as aforesaid the Person or Persons to whom such Transfer may be made shall have and exercise all the Powers and be subject to all the Liabilities which are conferred and imposed upon Undertakers by "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of Sections Sixteen, Seventeen, Eighteen, Nineteen, Forty-nine, and Fifty.

21. The Persons to whom the several Harbours enumerated in the said Schedule (C.) to this Act may be transferred under the Powers of this Act respectively, and their respective Heirs and Assigns, may demand and receive in respect of the Vessels, Goods, Persons, and Things in Schedule (D.) to this Act described, entering or using, or shipped or unshipped, landed or delivered in such Harbours respectively, any Sums not exceeding the Rates in the said Schedule (D.) to this Act specified; and such Persons respectively, and their respective Heirs and Assigns, may from Time to Time borrow on the Security of such Rates such Sums of Money as may be required to enlarge and improve the Harbours which may be so transferred as aforesaid: Provided always, that the Interest accruing on the Money so borrowed shall be regularly kept down and not allowed to accumulate, and that the Principal Sums borrowed shall be respectively repaid within *Fifty Years* from the Time of borrowing.

Power to
levy Rates
and to bor-
row Money.

22. After any such Transfer of Piers, Quays, or Harbours as aforesaid, it shall be lawful for the Sheriff of any County in which such Piers, Quays, or Harbours are respectively situate, and he is hereby required upon a Complaint in Writing under the Hand of any Person paying Dues at such Piers, Quays, or Harbours, setting forth that any of the same are not in a proper State of Repair, to hear such Evidence as to the Condition thereof and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and

Sheriff may
make Orders
for Repair of
Piers, &c.

[191.]

B 2

thereupon

thereupon it shall be lawful for the Sheriff to make such Orders for the Repair of the said Piers, Quays, or Harbours, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint as he may think fit, and the Orders and Decrees of the Sheriff shall be final and not be subject to 5 Revision or Appeal in any Court or by any Process whatsoever.

Endurance
of Act.

23. The Powers and Provisions of this Act, so far as regards the Erection and Maintenance of all Gates, and the Imposition and levying of Tolls, shall be and continue in force for the Term of *Twenty-one* Years from and after the passing of this Act, and thence to the End 10 of the then next Session of Parliament.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

HARBOURS NOT NOW THE PROPERTY OF THE COMMISSIONERS.

1. Burghead, in the County of Moray.
2. Fraserburgh, in the County of Aberdeen.
3. Peterhead, in the County of Aberdeen.
4. Kirkwall, in the County of Orkney.
5. East Tarbet, in the County of Argyll.
6. Fortrose, in the County of Ross.
7. Tobermory, in the County of Argyll.
8. Banff, in the County of Banff.
9. Macduff, in the County of Banff.
10. Dingwall, in the County of Ross.
11. Cullen, in the County of Banff.
12. Gourdon, in the County of Kincardine.
13. Inverfarigaig, in Lochness, in the County of Inverness.
14. Jura, Small Isles, in the County of Argyll.
15. Nairn, in the County of Nairn.

SCHEDULE (B.)

PIERS AND QUAYS MAINTAINED BY COUNTY ASSESSMENTS.

1. Invergordon and Inverbrakie Ferry Piers, in the County of Ross.
2. Chanonry Ferry Pier, in the County of Ross.
3. Keills and Lagg Ferry Piers, in the County of Argyll.
4. St. Catherine's Ferry Pier, in the County of Argyll.
5. Kylerhed Ferry Piers, in the County of Inverness.
6. Corran Ferry Piers, in the Counties of Inverness and Argyll.
7. Kylehakin Ferry Piers, in the Counties of Inverness and Ross.
8. Dornie Ferry Pier, in the County of Ross.
9. Strome Ferry Piers, in the County of Ross.
10. Feoline Ferry Pier, in Jura, in the County of Argyll.
11. Brodick Pier, in Arran, in the County of Bute.
12. Blackwater-foot, in the County of Argyll.

SCHEDULE (C.)

HARBOURS MAINTAINED BY RATES.

1. Avoch, in the County of Ross.
2. Ballintraid, in the County of Ross.
3. Portree, in the County of Inverness.
4. Portmahomack, in the County of Ross.

SCHEDULE (D.)

RATES ON VESSELS USING THE HARBOURS.

	s.	d.
For every decked or partly decked Vessel :		
Under the Burden of 20 Tons	per Ton	0 4
Of the Burden of 20 Tons and not exceeding 100 Tons	per Ton	0 6
Of the Burden of 100 Tons and upwards	per Ton	0 10

RATES ON HERRING BOATS, &c.

For every Herring Boat and every undecked Boat coming to the said Piers with Herrings or fresh Fish, on landing or taking on board Goods or dried or salt Fish	each	0 6
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RATES ON PASSENGERS.

For every Person landing from or embarking in any Vessel		0 3
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RATES ON ANIMALS AND GOODS, SHIPPED OR UNSHIPPED IN THE HARBOURS.

Ale, Beer, or Porter	per Hogshead	0 6
Beef, fresh or salted, or other Provisions	per Barrel	0 3
Bone Dust	per Ton	1 0
Bricks	per 1,000	0 8
Butter	per Cwt.	0 2
Carriages with Four Wheels	each	0 8
Carriages with Two Wheels	each	0 6
Cattle, Cows, Calves	each	1 0
Horses, Asses, and Mules	each	1 0
Pigs	each	0 0½
Sheep	each	0 0½
Coach or Cart Wheels	per Pair	0 3
Coal	per Ton	0 5
Copper, Lead, Zinc	per Cwt.	0 3
Cordage	per Cwt.	0 3
Dogs (Sporting only)	each	0 2
Fish,		

	s.	d.
Fish, salted or dry - - - - - per Barrel Bulk	0	3
Flour - - - - - per Sack	0	2
Groceries - - - - - per Barrel Bulk	0	3
Guano and artificial Manures - - - - - per Ton	1	0
Hardware - - - - - per Barrel Bulk	0	3
Hay - - - - - per Ton	1	0
Hemp and Flax - - - - - per Cwt.	0	3
Herrings, fresh - - - - - per Cran	0	1
Ditto, cured - - - - - per Barrel	0	3
Hides - - - - - per Cwt.	0	1½
Iron, Pig or old - - - - - per Cwt.	0	1
Ditto, Bar, Bolt, or Rod - - - - - per Cwt.	0	2
Lime - - - - - per Boll	0	0¼
Meal - - - - - per Bag of 280 lbs.	0	3
Oil - - - - - per Tun	1	0
Oilcake - - - - - per Ton	1	0
Potatoes - - - - - per Ton	0	6
Ropes and Rags (old) - - - - - per Cwt.	0	2
Salt - - - - - per Ton	0	10
Slates, - - - - - per 1,000	0	10
Spirits - - - - - per Hogshead of 56 Gallons	0	8
Staves - - - - - per 1,000	0	4
Stones, paving or dressed - - - - - per Ton	0	4
Ditto, others - - - - - per Ton	0	3
Stucco - - - - - per Barrel	0	2
Sugar, &c. - - - - - per Cwt.	0	4
Tar - - - - - per Barrel	0	2
Tiles or Pipes for draining - - - - - per 1,000	0	8
Ditto, roofing - - - - - per 1,000	0	9
Timber, unwrought, of all Kinds - - - - - per Load of 50 Cubic Feet	0	10
Wheat, Barley, Bear, Peas, Beans, Oats, and all other Descriptions of Grain ; Grass and Turnip Seeds - - - - - per Quarter	0	2
Wine in Cask - - - - - per Hogshead	0	8
Wool - - - - - per Cwt.	0	2

All other Articles not enumerated to pay at landing or shipping :

If by Measurement - - - - - per Barrel Bulk	0	3
If by Weight - - - - - per Ton	1	4

Articles which can be measured to pay by Barrel Bulk, all others by Weight.

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken, and for any less Weights, Measures, and Quantities than those above specified a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Hundredweight, to be rated as a Barrel Bulk, but when the Weight of Five Cubic Feet is greater than Two and a Half Hundredweight, then Two and a Half Hundredweight to be rated as a Barrel Bulk.

RATES FOR THE USE OF SHEDS, CRANES, AND WEIGHING MACHINES.

1. Sheds.

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Hundredweight, which shall remain in any Shed or on any Pier in the Harbours for a longer Time than Forty-eight Hours, the Sum of *Threepence* and the Sum of *One Penny* per Ton for each Day during which such Goods shall remain after the First Forty-eight Hours.

2. Cranes.

All Goods or Packages not exceeding One Ton	-	-	-	-	0	3
Exceeding One Ton and not exceeding Two Tons	-	-	-	-	0	4
" Two Tons " " Three Tons	-	-	-	-	0	6
" Three Tons " " Four Tons	-	-	-	-	0	8
" Four Tons " " Five Tons	-	-	-	-	0	10
" Five Tons " " Six Tons	-	-	-	-	1	0
" Six Tons " " Seven Tons	-	-	-	-	1	2
" Seven Tons " " Eight Tons	-	-	-	-	1	4
" Eight Tons " " Nine Tons	-	-	-	-	1	8
" Nine Tons " " Ten Tons	-	-	-	-	2	0
" Ten Tons	-	-	-	-	3	0

3. Weighing Machines.

For Goods weighed, One Penny for each Ton or Part of a Ton.

Highland Roads and
Bridges.

A

BILL

To transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, to be Printed,
7 July 1862.

[Bill 191.]

Under 2 oz.

17 July 1862. 25 & 26 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.

WHEREAS by the Act Forty-third George the Third, Preamble.
Chapter Eighty, the Sum of Twenty thousand Pounds 43 G. 3.
was directed to be issued from His Majesty's Exchequer c. 80.
in Great Britain, to be paid and applied by the Commissioners there-
5 by appointed in the making and erecting Roads and Bridges in the
Highlands of Scotland: And whereas by the Act Fifty-ninth George 59 G. 3.
the Third, Chapter One hundred and thirty-five, further Commis- c. 135.
sioners were appointed, and on a Recital that certain Roads and
Bridges had been made in the Highlands of Scotland, and that
10 various Grants of Monies had been made for that Purpose, Provision
was made for the Appropriation of the Monies granted in manner
therein mentioned, and for the Payment out of the Public Money
of a Sum of Five thousand Pounds annually towards the Purposes of
the said Act: And whereas by the Act Fourth George the Fourth, 4 G. 4. c. 56.
[Bill 214.] A Chapter

Chapter Fifty-six, Provision was made for eventually increasing the Assessments leviable under the recited Acts, or for erecting Toll Bars for the Collection of Rates and Duties or Tolls in aid or in lieu of such Assessments, and for the Purpose of maintaining in repair the several Piers and Quays erected by the said Commissioners under 5 the Authority of the recited Acts, or One of them, Power was given to the said Commissioners to levy certain Tolls or Dues on Vessels or Boats using, and on Goods embarked from or landed at such Piers and Quays : And whereas by the Act Fifth George the Fourth, Chapter Thirty-eight, further Provision was made for the Execution 10 of the recited Acts, and specific Allotments out of the said annual Grants of Five thousand Pounds were made to the Counties therein mentioned in aid of the Expense of repairing the Roads and Bridges within the same : And whereas by the Act Third and Fourth 3 & 4 W. 4. William the Fourth, Chapter Thirty-three, certain Powers were 15 given to the said Commissioners to remove Doubts that had arisen in the Interpretation of the Two last-recited Acts in Cases where Tolls had been imposed upon Roads, for the Maintenance of which such Tolls had afterwards proved inadequate, and on a Recital that it had in some Cases appeared inexpedient to the said 20 Commissioners to enforce the Provisions of the third-recited Act made for the Purpose of maintaining in repair the Piers and Quays erected by the said Commissioners, by levying Tolls or Dues thereon, the said Commissioners were empowered, in case they should deem it expedient, with the Consent of the Heritors and Commissioners of 25 Supply of the County within which such Piers or Quays should be situate, to assume the Care of maintaining in repair, altering or improving the same, and such Piers and Quays were thenceforth to be maintained in repair by them in the same Manner and with and under the same Powers and Limitations as the Roads and Bridges 30 whereon no Tolls were levied : And whereas under the Provisions of the recited Acts Roads and Bridges have been made, and Harbours, Ferry Piers, and Shipping Quays have been constructed, in several of the Northern Counties of Scotland : And whereas by the Act Fourteenth and Fifteenth Victoria, Chapter Sixty-six, on a Recital that the 35 Stone Bridge over the River Ness at the Royal Burgh of Inverness had been destroyed by a Flood, and that there were no adequate available Means of defraying the Expenses of rebuilding the same, the said Commissioners were empowered to make a new Bridge over the River Ness, and Provision was made for the Appropriation of a Sum 40 of Public Money, and also for an Advance of Ten thousand seven hundred Pounds out of the Consolidated Fund by way of Loan, and for the Repayment of the said Sum of Ten thousand seven hundred Pounds, with Interest, by means of certain Payments out of the Sums allotted by the fourth-recited Act, out of the annual 45 Grant

5 G. 4. c. 38.

3 & 4 W. 4.
c. 33.14 & 15 Vict.
c. 66.

Grant of Five thousand Pounds: And whereas by the Act 18 & 19 Vict.
 Eighteenth and Nineteenth Victoria, Chapter One hundred and thir- c. 113.
 teen, the Provisions of the last-recited Act were extended, and on a
 Recital that the Expense of erecting the said Bridge had exceeded
 5 the estimated Amount thereof, Provision was made for an Advance
 of a further Sum of Three thousand Pounds out of the Consolidated
 Fund by way of Loan, to be repaid, with Interest, in the same Manner
 as is provided by the last-recited Act with reference to the
 said Sum of Ten thousand seven hundred Pounds: And whereas
 10 such Payments have hitherto been regularly made, pursuant
 to the Provisions of the Two last-recited Acts: And whereas 17 & 18 Vict.
 by the Act Seventeenth and Eighteenth Victoria, Chapter Ninety- c. 94.
 four, the annual Grant to the Commissioners charged by the
 second-recited Act upon the Public Revenues was directed to be
 15 thereafter paid out of such Aids or Supplies as might be from Time
 to Time provided by Parliament for the Purpose: And whereas the
 Payment of the said annual Sum of Five thousand Pounds has been
 discontinued by Parliament, and it is expedient that the Commission
 constituted by the first and second recited Acts should be dissolved,
 20 and that Provision should be made for winding up the Affairs thereof,
 and for the Maintenance of the Roads and Bridges, Harbours, Piers,
 and Quays made and erected under the Provisions of the recited
 Acts: And whereas by the Act Sixth and Seventh Victoria, Chapter 6 & 7 Vict.
 Ninety-seven, the County of Argyll was for Road Purposes divided c. 97.
 25 into Districts, which were placed under the Superintendence of
 District Road Trustees, and certain Provisions were made for the
 Purpose of maintaining the Roads under the Management of the said
 Commissioners: And whereas by the Act Twenty-third and Twenty- 23 & 24 Vict.
 fourth Victoria, Chapter Two hundred and one, all the Roads in the c. 201.
 30 County of Caithness, with the Exception of the Roads within the
 Boundaries of the Towns of Wick and Thurso, and of the Roads under
 the Management of the said Commissioners, were vested in Trustees
 for the whole County: Be it enacted by the Queen's most Excellent
 Majesty, by and with the Advice and Consent of the Lords Spiritual
 35 and Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Highland Short Title.
 Roads and Bridges Act, 1862."

2. The following Expressions in this Act shall have the Meanings Interpretation of
 40 hereby assigned to them; that is to say, the Expression "the Com- Terms.
 missioners" shall mean the Commissioners of Highland Roads and
 Bridges; and the Expression "the Roads" shall mean the Roads
 and Bridges at present under the Management of the Commissioners.

Dissolution
of the Com-
mission.

3. From and after the Thirty-first Day of December One thousand eight hundred and sixty-two the Powers of the Commissioners shall, so far as regards the Control and Management of the Roads, and the Appointment and Payment of Officers, cease and determine, but all other Powers now vested in the said Commissioners shall, for the Purpose of winding up their Affairs, remain and be exerciseable until the Commissioners shall, in compliance with the Provision contained in the second-recited Act, present their next Report to Parliament, and upon the Presentation of such Report, the Commission constituted by the first and second recited Acts shall be absolutely dissolved.

Transfer of
Roads and
other Pro-
perty to
Commis-
sioners of
Supply.

4. From and after the said Thirty-first Day of December One thousand eight hundred and sixty-two, the Roads which in any County are at present under the Management of the Commissioners, together with the Bridges, Lands, Toll Houses, Buildings, Works, Rights, Interests, Arrears of Assessments, Monies, Property, and Effects, Rights of Action, Claims, and Demands whatsoever pertaining thereto respectively, shall, except in the Case of the Counties of Argyll and Caithness, be and are hereby transferred to and vested in the Commissioners of Supply of such County, and in the Case of the said County of Argyll shall be and are hereby transferred to and vested in the Road Trustees of the respective Districts of such County within which the Roads are respectively situate, and in the Case of the said County of Caithness shall be and are hereby transferred to and vested in the Road Trustees of such County; and such Commissioners of Supply or Road Trustees (as the Case may be) may act in respect thereof as effectually as the Commissioners might have done if this Act had not been passed.

Roads to be
maintained
by Commis-
sioners of
Supply.

5. From and after such Transfer as aforesaid, the Management of the Roads shall be vested in the Commissioners of Supply, or in the Road Trustees (as the Case may be,) of the Counties within which such Roads are respectively situate; and the Commissioners of Supply or Road Trustees respectively shall thereafter maintain in proper and efficient Repair the Roads so transferred to them, and shall respectively have and exercise with reference thereto, as well all the Rights, Powers, and Privileges possessed and enjoyed by them in connexion with the Roads at present under their Jurisdiction and Control within their respective Counties or Districts, as all the Rights, Powers, and Privileges which would have been competent to and might have been exercised by the Commissioners previous to such Transfer: Provided always, that it shall not be lawful to demand and take more than One Penny per Mile for every Horse drawing any Mail Carriage.

6. After

6. After such Transfers as aforesaid, it shall be lawful for the Sheriff of any County in which any Part of the Roads is situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Heritors in such County, or in any Road District in the said
 5 County of Argyll, setting forth that any of the Roads in such County or District are not in a proper State of Repair, to hear such Evidence as to the Condition of such Roads, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the
 10 Repairs of the Roads, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint, either by the Complainers or the Commissioners of Supply, or the Road Trustees, (as the Case may be,) as he may think fit, and the Orders and Decrees of the Sheriff shall be final, and not be subject
 15 to Revision or Appeal in any Court or by any Process whatsoever.

Sheriff may
make Orders
for Repair of
Roads.

7. And whereas the several Contracts for the Maintenance and Repair of the Roads enumerated in Schedule (A.) to this Act have been entered into by or on behalf of the Commissioners, and are still in force: Be it enacted, That from and after the said Thirty-first Day
 20 of December One thousand eight hundred and sixty-two, such Contracts shall cease and determine as regards the Commissioners or any Person or Persons acting on their Behalf, except in regard to any Claims due and payable by the Commissioners prior to the said Thirty-first Day of December One thousand eight hundred and
 25 sixty-two, but shall be binding on and enforceable by and against the Commissioners of Supply or the Road Trustees (as the Case may be) of the Counties to which the same may respectively relate, as fully as the same would have been binding on or enforceable by and against the Commissioners, or such Person or Persons as aforesaid,
 30 if this Act had not been passed.

CLAUSE A.
Subsisting
Contracts
may be
enforced.

8. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the Commissioners, or by or against any Persons acting on their Behalf, shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue
 35 and take effect both in favour of and against the Commissioners of Supply of the respective Counties or the Road Trustees (as the Case may be), so far as the same are applicable to the Roads to be transferred to such Commissioners of Supply or Road Trustees respectively as aforesaid, in the same Manner in all respects as if
 40 his Act had not been passed.

Actions not
to abate.

9. The Commissioners of Supply or the Road Trustees (as the Case may be) to whom the Roads shall be transferred as aforesaid,

Power to
abandon
Portions of
Roads.

may abandon, alter, straighten, divert, or stop up, either temporarily or permanently, any Portions of the Roads so respectively transferred to them, should such Portions of Roads become, in the Opinion of such Commissioners of Supply or Trustees, unnecessary for general or local Traffic; and for the special Purposes aforesaid the Commis- 5 sioners of Supply or the Road Trustees (as the Case may be) shall have and exercise all the Powers with respect to the Purchase of Lands by Agreement which are conferred upon the Promoters of Undertakings by "The Lands Clauses Consolidation (Scotland) Act, 1845:" Provided always, that at least Six Months Notice of 10 the Resolution or Order to effect any of such Purposes shall be given in Writing to the Owners of the Lands adjacent to such Roads, and during that Time such Resolution or Order shall be inserted for Three successive Weeks in some One and the same Newspaper published in the County in which such Portions of Roads 15 proposed to be affected may be situate, or if there be no such Newspaper, then in some One and the same Newspaper published in some adjoining or neighbouring County.

Application
to Sheriff.

10. Any Person who shall think himself aggrieved by such Reso- 20 lution or Order may, within Ten Days after he shall have received such Notice as aforesaid, apply by summary Petition to the Sheriff of the County within which the Roads proposed to be affected are situate, setting forth specifically his Objections, which Petition shall be intimated to and served upon the Commissioners of Supply or the Road Trustees (as the Case may be), whose Resolution or Order 25 may be objected to, and a Time and Place shall be appointed by the Sheriff for hearing the Parties thereon; and after hearing the Petitioner and the Commissioners of Supply or the Road Trustees (as the Case may be), and any other Persons who may be interested in such Petition, and taking such Evidence as he shall deem necessary, 30 it shall be lawful for the Sheriff to suspend the Execution of such Resolution or Order, and to grant or refuse the Prayer of such Petition, in whole or in part, and to sustain or repel such Objections, and to pronounce such Judgment in reference thereto as he shall think fit. 35

Appeal to
the Lord
Ordinary in
the Court of
Session.

11. If the Petitioners or Commissioners of Supply or the Road Trustees (as the Case may be), or any other Person interested in such Petition, and who made Appearance and was heard before the Sheriff, shall be dissatisfied with the Judgment of the Sheriff, it shall be competent to such Parties or any of them to appeal from 40 such Judgment within One Month after the Date thereof, and to bring the same by Advocation under Review of any Lord Ordinary in the Outer House of the Court of Session; and the Judgment to

to be pronounced by such Lord Ordinary in the Matter of such Petition shall be final, and shall not be subject to Review by the Inner House, or to Appeal to the House of Lords.

12. The Commissioners of Supply to whom the Roads shall be transferred as aforesaid shall annually impose and levy an Assessment in their respective Counties, either separately or as Part of a General Road Assessment, upon and from all Lands and Heritages within such Counties respectively, according to the yearly Rent or Value thereof, as established by the Valuation Rolls, made up under the Valuation of Lands (Scotland) Acts, Seventeenth and Eighteenth Victoria, Chapter Ninety-one, and Twentieth and Twenty-first Victoria, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in Scotland, or any Local Act relating to any of such Counties, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment and Collection, and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act; and for the Purposes of this Act such Parts of the Counties of Cromarty and Nairn as lie in the County of Ross shall be considered as belonging to the said last-mentioned County; and the first of such annual Assessments shall be imposed at any of the half-yearly Meetings of such Commissioners of Supply which shall take place after the passing of this Act for the Year from the First Day of January One thousand eight hundred and sixty-three to the First Day of January One thousand eight hundred and sixty-four.

Assessment to be levied for the Purposes of this Act.

13. From and after the said Thirty-first Day of December One thousand eight hundred and sixty-two, the Twenty-sixth and Twenty-seventh Sections of the recited Act of the Sixth and Seventh Victoria shall be and the same are hereby repealed; and so long as such Act shall continue in force the General Road Trustees of the said County of Argyll shall annually apportion among the several Districts of the said County of Argyll, according to the Amount of their respective Valuations for Assessment under the said last-mentioned Act, such a Sum as may be required for the Maintenance of the Military Roads and Bridges within the said County; and the Road Trustees of the several Districts within the said County of Argyll to whom the Roads are to be transferred as aforesaid shall

[214.]

CLAUSE B.
Roads in the Counties of Argyll and Caithness to be maintained out of Assessments levied under existing Acts.

apply the Assessments which they are authorized to levy by such Act, first, in Payment to the County Collector in every Year of the Proportion falling to be paid by each District on account of the said Military Roads and Bridges as aforesaid, such County Collector paying to the Trustees of the Districts within which such Military Roads and Bridges are respectively situate the Monies which shall thus come into his Hands in proportion to the Length of such Military Roads within such last-mentioned Districts respectively, and, secondly, in or towards the Maintenance of the Roads within their respective Districts, in the same Manner in all respects as such Assessments are applicable to any Roads at present under the Jurisdiction and Control of the District Road Trustees; and from and after the said Thirty-first Day of December One thousand eight hundred and sixty-two the Forty-first Section of the recited Act of the Twenty-third and Twenty-fourth Victoria shall be and the same is hereby repealed; and so long as such Act shall continue in force the Road Trustees of the said County of Caithness shall apply the Assessments which they are authorized to levy by the said last-mentioned Act in or towards the Maintenance of the Roads so transferred to them as aforesaid, in the same Manner in all respects as such Assessments are applicable to any Roads at present under their Jurisdiction and Control.

Burgh to
contribute to
Repair of
Roads.

14. When any Portion of the Roads is situate within any Burgh, the Authorities who shall be entitled to levy Assessments under this Act in the County or District within which such Burgh may be situate shall take whatever Steps may be necessary for ascertaining the probable annual Cost of repairing and maintaining such Portion of the Roads, and they shall transmit to the Magistrates of such Burgh a Statement of such estimated Cost, and the Magistrates of such Burgh shall be bound within One Calendar Month after receiving such Statement to lodge in Writing with the Clerk of the Commissioners of Supply any Objections which they may have to the same, with the Reasons for such Objections, and failing to do so they shall not thereafter be entitled to dispute the Correctness of the Statement; and if any Objections shall be so lodged, and no Agreement can be come to as to the Correctness of the Statement, within a Week after such Objections shall have been lodged as aforesaid, the Matters in difference shall be determined, upon the Application of any of the Parties, by the Sheriff, whose Decision shall be final and binding, and shall not be liable to Appeal or Suspension, Advocation or Reduction, or any other Form of Review; and upon the Statement being so agreed to or determined upon, the Magistrates of each Burgh shall annually enforce and levy such an Assessment upon and from the Lands and Heritages within such Burgh as shall be sufficient to defray

defray the annual Cost of repairing and maintaining such Portion of the Roads as aforesaid, and also the Cost of Assessment and Collection, and they may proceed in like Manner, and with the same Powers and Right of Action and Diligence, and of issuing
5 summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or General Assessment with which the said Magistrates may deem it most expedient the said Assessments should be laid on and collected, and any Board or other Public Body which may be directed by the
10 Magistrates of any Burgh to levy and collect the said Assessments are hereby empowered and required to do so : Provided always that in any Burgh in which there may be no Municipal or Police or other General Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment, they may collect the
15 same in such Manner and by means of such Collectors or other Persons as they shall from Time to Time appoint ; and the Magistrates of each Burgh shall from Time to Time hand over to the Commissioners of Supply or to the Road Trustees (as the Case may be) the full Amount of such annual Assessment, after deducting the Cost of
20 Assessment and Collection, and such annual Assessment shall be expended for the general Repair and Maintenance of the Roads within such Burgh, in such Manner as they shall think fit.

15. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed
25 under the Provisions to that Effect contained in the following Acts ; viz., the Act Seventeenth and Eighteenth Victoria, Chapter Ninety-one, the Act Twentieth and Twenty-first Victoria, Chapter Fifty-eight, and the Act Twentieth and Twenty-first Victoria, Chapter Seventy.

Boundaries of Burghs for the Purposes of this Act.

30 16. The whole Powers and Rights of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or any of them, and other Public Taxes, shall be applicable to the collecting, levying, and recovering the Assessments under this Act, and all
35 Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes, and other Public Taxes ; and all Assessments imposed by virtue of this Act shall, in case of Bank-
40 ruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Persons assessed.

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

Appoint-
ment of
Commit-
tees and
Officers.

17. From and after the passing of this Act, the Commissioners of Supply of the several Counties to whom the Roads shall be transferred by virtue thereof may nominate Committees of their Number, in such Manner and with such Powers and for such Periods as they may deem proper, to superintend the Management of the Roads; 5 and the Commissioners of Supply or the Road Trustees (as the Case may be) may appoint a fit Person or fit Persons to be Surveyor or Surveyors, Clerk or Clerks, or such other Officers as they shall think necessary for the due Execution of this Act, either separately or in connexion with other Roads under their Management, with such Salaries or Allowances as such Commissioners of Supply or Road Trustees (as the Case may be) shall think proper, for which Pro- 10 vision shall be made by Assessment made pursuant to this Act, and from Time to Time to remove such Officers or any of them as they shall see Occasion, and to appoint others in their Room. 15

The Loans
of 10,700*l.*
and 3,000*l.*
extin-
guished.

18. From and after the passing of this Act, all future Payments which would have been made, pursuant to the Provisions of the Sixth and Seventh recited Acts, for the Repayment of the said Sums of Ten thousand seven hundred Pounds and Three thousand Pounds, advanced on Loan as aforesaid, shall cease, and such Loans shall be 20 considered as wholly repaid or extinguished.

Transfer of
Piers and
Harbours
by Commis-
sioners.

19. And whereas the Commissioners have, under Powers conferred upon them by the recited Acts or some of them, constructed several Har- bours, Piers, and Quays: And whereas the Harbours enumerated in 25 Schedule (B.) to this Act have, by various Local Acts or otherwise, been transferred to and are now vested in other Bodies or Persons, and the Piers and Quays enumerated in Schedule (C.) to this Act, though maintained out of Assessments made in the Counties in which they are respectively situate, are still the Property of the Commis- 30 sioners, and the Harbours enumerated in Schedule (D.) to this Act have for some Time been and are now maintained and managed by the Proprietors of the Lands in which such Harbours are situate: And whereas it is expedient that Provision should be made for the future Maintenance of the Piers, Quays, and Harbours in the said 35 Schedules (C.) and (D.) to this Act: Such of the Piers and Quays enumerated in the said Schedule (C.) to this Act as are situate in the said County of Argyll shall on the said Thirty-first Day of December One thousand eight hundred and sixty-two be transferred to the Road Trustees within whose Districts such Piers and Quays are respectively 40 situate, and all other Piers and Quays enumerated in the said Schedule (C.) to this Act shall on the said Thirty-first Day of December One thousand eight hundred and sixty-two be transferred to the Com- missioners of Supply of the Counties within which such Piers and Quays

Quays are respectively situate, and from and after such Transfers such Piers and Quays shall be maintained by such Road Trustees or Commissioners of Supply respectively (as the Case may be), in the same Manner and under the same Conditions as they are respectively
5 bound to maintain the Roads to be respectively transferred to them under the Provisions of this Act; and the Harbours enumerated in the said Schedule (D.) to this Act may be transferred by the Commissioners in such Manner and upon such Terms as they shall think fit to the Owners of the Lands in which such Harbours are
10 respectively situate; and in case any of such Owners shall decline to accept such Transfer, then to such other Person or Persons as the Commissioners may in the Exercise of their Discretion think fit; and the Limits of any Harbour which may be transferred pursuant to this Act shall extend to Three hundred Yards, measured
15 in a straight Line along the Coast, on either Side of such Harbour, and the same Distance Seaward, measured from the Mouth or Entrance thereof; and upon the Transfer of any Harbour as aforesaid the Person or Persons to whom such Transfer may be made shall have and exercise all the Powers and be subject to all the Liabilities which
20 are conferred and imposed upon Undertakers by "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of such Liabilities as are imposed by Sections Sixteen, Seventeen, Eighteen, Nineteen, Forty-nine, and Fifty of the said last-mentioned Act.

20. The Persons to whom the several Harbours enumerated in the
25 said Schedule (D.) to this Act may be transferred under the Powers of this Act respectively, and their respective Heirs and Assigns, may demand and receive in respect of the Vessels, Goods, Persons, and Things in Schedule (E.) to this Act described, entering or using, or shipped or unshipped, landed or delivered in such Harbours respectively, any Sums not exceeding the Rates in the said Schedule (E.)
30 to this Act specified; and such Persons respectively, and their respective Heirs and Assigns, may from Time to Time borrow on the Security of such Rates such Sums of Money as may be required to enlarge and improve the Harbours which may be so transferred as
35 aforesaid: Provided always, that the Interest accruing on the Money so borrowed shall be regularly kept down and not allowed to accumulate, and that the Principal Sums borrowed shall be respectively repaid within Fifty Years from the Time of borrowing.

Power to
levy Rates
and to bor-
row Money.

21. After any such Transfer of Piers, Quays, or Harbours as
40 aforesaid, it shall be lawful for the Sheriff of any County in which such Piers, Quays, or Harbours are respectively situate, and he is hereby required, upon a Complaint in Writing under the Hand of any

Sheriff may
make Orders
for Repair of
Piers, &c.

Four Persons being Heritors of such County, or ordinarily using such Piers, Quays, or Harbours, setting forth that any of the same are not in a proper State of Repair, to hear such Evidence as to the Condition thereof, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be 5 lawful for the Sheriff to make such Orders for the Repair of the said Piers, Quays, or Harbours, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint as he may think fit, and the Orders and Decrees of the Sheriff shall be final and not be subject to Revision or Appeal in 10 any Court or by any Process whatsoever.

Endurance
of Act.

22. The Powers and Provisions of this Act, so far as regards the Erection and Maintenance of all Gates, and the Imposition and levying of Tolls, shall be and continue in force for the Term of Twenty-one Years from and after the passing of this Act, and thence to the End 15 of the then next Session of Parliament.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

CONTRACTS OF THE COMMISSIONERS STILL IN FORCE.

Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contracts.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF INVERNESS.						
Inverness and Nairn Road, Fort George Road and Branches, and North Part of North Boleskine Road.	31 Miles.	James Mac Gillivray.	1st June 1863	£ s. d. 306 13 0	Aug., Sept., Dec., and June.	£ s. d. 919 19 0
Moy Badenock and Inverfarigaig Road.	42½ "	John and Donald Grant.	Do.	429 10 0	Do.	1,288 10 0
Southern Portion of Badenock Road.	41 "	John and Donald Grant.	Do.	445 0 0	Do.	1,335 0 0
Eastern Portion of Fort William and Ardoch Branch Road.	23½ "	John Cameron -	Do.	130 0 0	Do.	390 0 0
Western Portion of Fort William Road.	22 "	Jas. Mc Gillivray and Peter Cameron.	Do.	155 0 0	Do.	465 0 0
South Boleskine and South Portion of North Boleskine Road.	26¼ "	Duncan McDonald	Do.	106 0 0	Do.	318 0 0
Glenelg Road - -	7¾ "	Donald Cameron	Do.	45 0 0	Do.	135 0 0
Sconser and Ashiek Roads	27½ "	Jno. Kennedy and Alex. Robertson.	Do.	130 0 0	Do.	390 0 0
Broadford Road - -	15¾ "	Malcolm and Donald McInnes.	Do.	82 0 0	Do.	246 0 0
Stein, Macleod, and Dungevan Roads.	34 "	Donald and Ewen McInnon.	Do.	160 10 9	Do.	481 12 3
Portree Road - -	12½ "	Do.	Do.	86 5 8	Do.	258 17 0
East Laggan and Carryarroch Road.	28¼ "	John Macdonald	10th June 1864	137 0 0	Do.	411 0 0
Speyside Road - -	6 200	Duncan Cameron	Do.	35 0 0	Do.	106 10 0
Beaully and Strathglass Road.	38 Miles	John Forsyth -	1st June 1864	431 15 0	Do.	1,295 5 6
Glengarry 31 m. 1,113 yds. and Rhaebine Rd. 3 m.	34 1,113	Ewen Cameron -	Do.	175 0 0	Do.	525 0 0
West Laggan Road -	16 Miles	John Cameron -	Do.	88 0 0	Do.	264 0 0
Ballechernoch Road -	5 "	John McDonald	Do.	21 0 0	Do.	63 0 0
Invermoriston Road -	27 "	Alexr. Mackenzie	Do.	208 0 0	Do.	624 0 0
Snizort Road - -	18 "	Alexr. Maclean -	Do.	153 5 0	Do.	459 15 0
Total - -	456 1,313			3,325 9 5		9,976 8 3
COUNTY OF ROSS.						
Contin and Fearn Road -	30¾ Miles	Donald Mann -	1st June 1863	388 1 4	Do.	1,164 4 0
Invergordon Road - -	17 "	John Munro -	Do.	324 11 4	Do.	973 14 0
Tain Road - -	15 "	Donald Ross -	Do.	148 5 8	Do.	444 17 0
Glenshield Road and Glenelg Road.	20¾ "	Donald Cameron	Do.	104 10 0	Do.	313 10 0
Lochalsh and Ardelve Road	16½ "	Jno. Kennedy and Alex. Robertson.	Do.	80 0 0	Do.	240 0 0
Dingwall Fortrose and Kessock Branch Roads.	29½ "	Wm. and James Stewart.	1st June 1864	480 0 0	Do.	1,440 0 0
Eastern Division of Loch Carron Road.	25 "	John Fraser -	Do.	134 15 4	Do.	404 6 0
Western Division of Loch Carron Road and Kishorn Road.	37 "	Duncan Matheson	Do.	149 0 0	Do.	447 0 0
Rhaebine Road - -	7 "	Ewen Cameron -	Do.	35 0 0	Do.	105 0 0
Total - -	198½ "			1,844 3 8		5,532 11 0

Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contract.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF SUTHERLAND.						
Sutherland Coast Road -	47 Miles	John Grant -	1st May 1864	£ s. d. 508 19 6	Aug., Sept., Dec. & June	£ s. d. 1,526 18 6
COUNTY OF CAITHNESS.						
Dunbeath Road - -	33 Miles	Donald Mackenzie	1st May 1863	485 2 0 for two yrs.	Do.	970 4 0
Thurso Road - -	21 „	George Gilchrist	1st May 1864	386 0 0	Do.	1,158 0 0
Total -	54 Miles			871 2 0		2,128 4 0
COUNTY OF NAIRN.						
Findhorn 11 Miles, and Be- muchlye Road 9½ Miles.	20¼ Miles	Angus McDonald	10th June 1864	89 0 0	Do.	267 0 0
COUNTY OF MORAY.						
Grantown 20 Miles, and Duthel Road 6½ Miles.	26½ Miles	John and Donald Grant.	1st June 1863	229 0 0	Do.	687 0 0
Findhorn Road - -	3 „	Angus McDonald	10th June 1864	13 0 0	Do.	39 0 0
Speyside Road - -	6 „	Duncan Cameron	„	35 10 0	Do.	106 10 0
Total -	35½ Miles			277 10 0		832 10 0
COUNTY OF BANFF.						
Speyside Road - -	1½ Miles	Duncan Cameron	10th June 1864	9 15 0	Do.	29 5 0
Total -	1½ Miles			9 15 0		29 5 0
COUNTY OF ARGYLL.						
Kilmelford Road - -	8¾ Miles	Neil Munro -	10th June 1864	40 0 0	Do.	120 0 0
Strachur Road - -	12 „	Don ^d and Peter Ferguson.	20th May „	58 4 0	Do.	174 12 0
Glendaruel Road - -	21 „	Archibald McDo- nald	20th May „	123 0 0	Do.	369 0 0
Total -	41¾ Miles			221 4 0		663 12 0

SCHEDULE (B.)

HARBOURS NOT NOW THE PROPERTY OF THE COMMISSIONERS.

1. Burghead, in the County of Moray.
2. Fraserburgh, in the County of Aberdeen.
3. Peterhead, in the County of Aberdeen.
4. Kirkwall, in the County of Orkney.
5. East Tarbet, in the County of Argyll.
6. Fortrose, in the County of Ross.
7. Tobermory, in the County of Argyll.
8. Banff, in the County of Banff.
9. Macduff, in the County of Banff.
10. Dingwall, in the County of Ross.
11. Cullen, in the County of Banff.
12. Gourdon,

12. Gourdon, in the County of Kincardine.
13. Inverfarigaig, in Lochness, in the County of Inverness.
14. Jura, Small Isles, in the County of Argyll.
15. Nairn, in the County of Nairn.

SCHEDULE (C.)

PIERS AND QUAYS MAINTAINED BY COUNTY ASSESSMENTS.

1. Invergordon and Inverbrakie Ferry Piers, in the County of Ross.
2. Chanonry Ferry Pier, in the County of Ross.
3. Keills and Lagg Ferry Piers, in the County of Argyll.
4. St. Catherine's Ferry Pier, in the County of Argyll.
5. Kylerhed Ferry Piers, in the County of Inverness.
6. Corran Ferry Piers, in the Counties of Inverness and Argyll.
7. Kylehakin Ferry Piers, in the Counties of Inverness and Ross.
8. Dornie Ferry Pier, in the County of Ross.
9. Strome Ferry Piers, in the County of Ross.
10. Feoline Ferry Pier, in Jura, in the County of Argyll.
11. Brodick Pier, in Arran, in the County of Bute.
12. Blackwater-foot, in the County of Argyll.

SCHEDULE (D.)

HARBOURS MAINTAINED BY RATES.

1. Avoch, in the County of Ross.
2. Ballintraid, in the County of Ross.
3. Portree, in the County of Inverness.
4. Portmahomack, in the County of Ross.

SCHEDULE (E.)

RATES ON VESSELS USING THE HARBOURS.

	<i>s.</i>	<i>d.</i>
For every decked or partly decked Vessel :		
Under the Burden of 20 Tons	-	- per Ton 0 4
Of the Burden of 20 Tons and not exceeding 100 Tons		per Ton 0 6
Of the Burden of 100 Tons and upwards	-	per Ton 0 10

RATES ON HERRING BOATS, &c.

For every Herring Boat and every undecked Boat coming to the said Piers with Herrings or fresh Fish, on landing or taking on board Goods or dried or salt Fish	-	-	- each 0 6
[214.]	C 3		RATES

RATES ON PASSENGERS.

	s.	d.
For every Person landing from or embarking in any Vessel -	0	3

RATES ON ANIMALS AND GOODS SHIPPED OR UNSHIPED IN THE HARBOURS.

Ale, Beer, or Porter	-	-	per Hogshead	0	6
Beef, fresh or salted, or other Provisions	-	-	per Barrel	0	3
Bone Dust	-	-	per Ton	1	0
Bricks	-	-	per 1,000	0	8
Butter	-	-	per Cwt.	0	2
Carriages with Four Wheels	-	-	each	0	8
Carriages with Two Wheels	-	-	each	0	6
Cattle, Cows, Calves	-	-	each	1	0
Horses, Asses, and Mules	-	-	each	1	0
Pigs	-	-	each	0	0½
Sheep	-	-	each	0	0½
Coach or Cart Wheels	-	-	per Pair	0	3
Coal	-	-	per Ton	0	5
Copper, Lead, Zinc	-	-	per Cwt.	0	3
Cordage	-	-	per Cwt.	0	3
Dogs (Sporting only)	-	-	each	0	2
Fish, salted or dry	-	-	per Barrel Bulk	0	3
Flour	-	-	per Sack	0	2
Groceries	-	-	per Barrel Bulk	0	3
Guano and artificial Manures	-	-	per Ton	1	0
Hardware	-	-	per Barrel Bulk	0	3
Hay	-	-	per Ton	1	0
Hemp and Flax	-	-	per Cwt.	0	3
Herrings, fresh	-	-	per Cran	0	1
Ditto, cured	-	-	per Barrel	0	3
Hides	-	-	per Cwt.	0	1½
Iron, Pig or old	-	-	per Cwt.	0	1
Ditto, Bar, Bolt, or Rod	-	-	per Cwt.	0	2
Lime	-	-	per Boll	0	0¼
Meal	-	-	per Bag of 280 lbs.	0	3
Oil	-	-	per Tun	1	0
Oilcake	-	-	per Ton	1	0
Potatoes	-	-	per Ton	0	6
Ropes and Rags (old)	-	-	per Cwt.	0	2
Salt	-	-	per Ton	0	10
Slates,	-	-	per 1,000	0	10
Spirits	-	-	per Hogshead of 56 Gallons	0	8
Staves	-	-	per 1,000	0	4
Stones, paving or dressed	-	-	per Ton	0	4
Ditto, others	-	-	per Ton	0	3
Stucco	-	-	per Barrel	0	2
Sugar, &c.	-	-	per Cwt.	0	4
Tar	-	-	per Barrel	0	2

Tiles

		<i>s.</i>	<i>d.</i>
Tiles or Pipes for draining	- - - - per 1,000	0	8
Ditto, roofing	- - - - per 1,000	0	9
Timber, unwrought, of all Kinds	- per Load of 50 Cubic Feet	0	10
Wheat, Barley, Bear, Peas, Beans, Oats, and all other Descriptions of Grain ; Grass and Turnip Seeds	- - - - per Quarter	0	2
Wine in Cask	- - - - per Hogshead	0	8
Wool	- - - - per Cwt.	0	2
All other Articles not enumerated to pay at landing or shipping :			
If by Measurement	- - - - per Barrel Bulk	0	3
If by Weight	- - - - per Ton	1	4

Articles which can be measured to pay by Barrel Bulk, all others by Weight.

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken, and for any less Weights, Measures, and Quantities than those above specified a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Hundredweight, to be rated as a Barrel Bulk, but when the Weight of Five Cubic Feet is greater than Two and a Half Hundredweight, then Two and a Half Hundredweight to be rated as a Barrel Bulk.

RATES FOR THE USE OF SHEDS, CRANES, AND WEIGHING MACHINES.

1. *Sheds.*

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Hundredweight, which shall remain in any Shed or on any Pier in the Harbours for a longer Time than Forty-eight Hours, the Sum of Threepence and the Sum of One Penny per Ton for each Day during which such Goods shall remain after the First Forty-eight Hours.

2. *Cranes.*

All Goods or Packages not exceeding One Ton	- - -	0	3
Exceeding One Ton and not exceeding Two Tons	- - -	0	4
" Two Tons " " Three Tons	- - -	0	6
" Three Tons " " Four Tons	- - -	0	8
" Four Tons " " Five Tons	- - -	0	10
" Five Tons " " Six Tons	- - -	1	0
" Six Tons " " Seven Tons	- - -	1	2
" Seven Tons " " Eight Tons	- - -	1	4
" Eight Tons " " Nine Tons	- - -	1	8
" Nine Tons " " Ten Tons	- - -	2	0
" Ten Tons	- - -	3	6

3. *Weighing Machines.*

For Goods weighed, One Penny for each Ton or Part of a Ton.

Highland Roads and Bridges.

A

BILL

[AS AMENDED IN COMMITTEE]

To transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, to be Printed,
17 July 1862.

[Bill 214.]

Under 3 oz.

LORDS AMENDMENTS

TO THE

HIGHLAND ROADS AND BRIDGES BILL.

NOTE.—*The Page and Line refer to the Bill (225.) as printed by the Lords.*

Page 4.

Line 5. Leave out (" said ")

Page 5.

Line 19. Leave out (" Be it enacted, That ")

Page 8.

Line 24. Leave out (" Authorities ") and insert (" Commissioners of Supply, or the Road Trustees (as the Case may be) ") and leave out (" under this Act ")

Page 9.

Line 4. Leave out (" the ")

Line 30. Leave out the first (" and ")

Line 31. After (" Seventy ") insert (" and the recited Act, Twenty - third and Twenty - fourth Victoria, Chapter Two hundred and one ")

Page 11.

Line 23. After (" Act ") insert (" Provided always, that the Road Trustees or the Commissioners of Supply (as the Case may be) to whom the said Piers and Quays shall be transferred as aforesaid, may abandon any of such Piers and Quays as may in their Opinion be or become unnecessary for general or local Trade, but in the Exercise of this Power the Road Trustees or the Commissioners of Supply (as the Case may be) shall be subject and liable to similar Provisions and Conditions with regard to Notices, Applications to the Sheriff, and Appeals to the Lord Ordinary of the Court of Session as are contained and prescribed in the Ninth, Tenth, and Eleventh Sections of this Act with reference to the Abandonment of Portions of Roads ")

Line 40. After (" aforesaid ") insert (" but subject to the Power of Abandonment contained in the Nineteenth Section of this Act ")

LORDS AMENDMENTS
TO THE
HIGHLAND ROADS AND
BRIDGES BILL.

Ordered, by The House of Commons, to be Printed,
31 July 1862.

[Bill 249.]
Under 1 oz.

Highways Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Sect.

1. Limits of Act.
2. Definition of "County" and "Borough."
3. Definition of "Parish."
4. Definition of "Principal Acts" and "Highway Acts."

Formation of Highway Districts.

5. Formation of Highway Districts by Order of Justices.
6. Regulations as to Orders of Justices.
7. Restrictions on Formation of Highway Districts.
8. Power of Justices to adjourn.

Legal Objections to Formation of Districts.

9. Rules as to Objections and Evidence.

Highway Board.

10. Constitution of Highway Board.

Election of Waywardens.

11. Election of Waywardens.

Consequences of Formation of Highway District.

12. Consequences of Establishment of Highway Board.

Appointment of Officers.

13. Power to Board to appoint Officers.
14. Two Offices not to be held by the same Person.
15. Duties of Clerk.
16. Duties of Treasurer.
17. Duties of District Surveyor.
18. Incorporation of certain Sections of the Commissioners Clauses Act, 1847.

Works and Duties of Board.

19. Board to maintain Highways.
20. Highway Board may contract to repair Highways within other Districts.
21. Incorporation of Lands Clauses Act.

[Bill 1.]

Highways.

Accounts.

- Sect.
22. Expenses how charged.
23. Mode of defraying Expenses.
24. Overseers to levy Rates for raising the Money required by Highway Board.
25. Restriction in Amount of Rate.
26. Overseers on Nonpayment of the Rate shall be distrained upon.
27. Special Persons may be appointed to levy Rates on Default of Overseers.
28. Power of Highway Board to borrow Money.
29. Accounts to be made up to 25th March, and Statement to be published.
30. Statement to be sent to Secretary of State ; Penalty for Neglect.
31. Abstract of Statements to be laid before Parliament.
32. Secretary of State may cause Form of Statement to be prepared.

Supplemental Provisions.

33. Provision as to Extra-parochial Places.
34. Expenses of Repair of Highways may be recovered from Party liable to repair *ratione tenuræ*.
35. Surveyor of Highway Board exempted from Turnpike Toll.
36. 4 & 5 Vict. c. 59. repealed as to Parishes within Highway Districts.
37. Members of Highway Boards not disqualified to act as Justices.
38. Power to alter Highway Districts.
39. Provision in case of Failure of Board to hold First Meeting.

Application of Principal Act and Saving Clause.

40. Construction of Principal Act and this Act.
41. Relative Duties of outgoing Surveyors and Highway Board.
42. Saving of Penalties.

SCHEDULE.

7 February 1862. 25 VICT.



A

B I L L

FOR

The better Management of Highways in England.

WHEREAS it is expedient to amend the Law relating to Preamble.
Highways in England: Be it enacted by the Queen's
most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
5 present Parliament assembled, and by the Authority of the same, as
follows :

Preliminary.

1. This Act shall not extend to Scotland or Ireland.

Limits of
Act.

10 2. The Word "County" in this Act shall not include a "County
of a City" or "a County of a Town," but where a County, as herein
before defined, is divided into Ridings or other Divisions having a
separate Court of Quarter Sessions of the Peace, it shall mean each
such Division or Riding, and not the entire County; the Word
"Borough" shall mean a Borough as defined by the Act of the
15 Session holden in the Fifth and Sixth Years of King William the
Fourth, Chapter Seventy-six, "for the Regulation of Municipal
Corporations in England and Wales," or any Place to which the
Provisions of the said Act have been extended.

Definition
of "County"
and "Bo-
rough."

[Bill 1.]

A

3. The

Definition of "Parish." **3.** The Word "Parish" shall include any Place maintaining its own Highways.

Definition of "Principal Act" and "Highway Acts." **4.** The Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifty, and intituled "An Act to consolidate and amend the 5
" Laws relating to Highways in that Part of Great Britain called
" England," is herein-after distinguished as "the Principal Act;" and this Act and the Principal Act, and the other Acts amending the Principal Act, are herein-after included under the Expression "the Highway Acts." 10

Formation of Highway Districts.

Formation of Highway Districts by Order of Justices. **5.** Any *Five* or more Justices of a County may by Writing under their Hands require the Clerk of the Peace to add to the Notice required by Law to be given of the holding of Courts of Quarter Session, a Statement that at the Court therein mentioned a Proposal 15
will be made to the Justices to divide the County, or some Part thereof, into Highway Districts, and upon such Requisition being complied with the Justices assembled at the Court of Quarter Sessions mentioned in the Notice may entertain such Proposal, and make a Provisional Order dividing their County, or any Part thereof, 20
into Highway Districts, for the more convenient Management of the Highways, by uniting such Parishes as they think expedient; but such Provisional Order shall not be of any Validity unless upon a further Requisition of *Five* or more Justices of such County made in Writing under their Hands the Clerk of the Peace add to the 25
Notice required by Law to be given of the holding of Courts of Quarter Sessions a Statement that at the Court therein mentioned, being some Court of Quarter Sessions held after the Expiration of the Time limited by the Principal Act for the Election of Surveyors in any Year, or *Forty* Days at least before the Time limited for such 30
Election, a Proposal will be made to confirm the Provisional Order by a Final Order, and such Order is confirmed accordingly, and such Final Order shall not be of any Validity unless it is approved by One of Her Majesty's Principal Secretaries of State.

Regulations as to Orders of Justices. **6.** The following Regulations shall be enacted as to the making, 35
Confirmation, and Approval of the Orders of Justices for forming Highway Districts:—

- (1.) The Justices may by their Final Order annul the Provisional Order or confirm it with or without Variations:
- (2.) The Provisional Order shall state the Parishes to be united in 40
each District, the Name by which the District is to be known, and the Number of Waywardens (such Number to be at least One) which each united Place is to elect:

(3.) In

(3.) In addition to the foregoing Matters, the Provisional Order may and the Final Order shall state the Time, not being more than *Seven* Days after the First Election of Waywardens in pursuance of this Act, and the Place at which the First Meeting of the Highway Board is to be held in the District :

(4.) Notice of the Provisional and Final Orders shall be given by the Clerk of the Peace, by publishing a Copy of each in One or more Newspapers circulating in the County :

(5.) With a view of obtaining the Approval of One of Her Majesty's Principal Secretaries of State, the Clerk of the Peace shall forward to such Secretary a Copy of the Final Order, with such Explanations as the Justices may direct :

(6.) The Approval or Disapproval of the Secretary of State shall be notified in Writing under his Hand, and shall be final. If an Approval be given, Notice thereof setting forth the Order approved of shall be published in the London Gazette, and a Copy of such Order be forwarded by the Clerk of the Peace within *Fourteen* Days after the Time of the Approval to the Surveyor of Highways of every Parish united by such Order :

(7.) The Order shall be deemed to take effect from the Day on which it is published in the Gazette.

7. The following Restrictions shall be imposed with respect to the Formation of Highway Districts in pursuance of this Act :

Firstly, there shall not be included in any Highway District formed in pursuance of this Act any of the following Places ; that is to say,

Any Part of a County to which the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Sixteen, and intituled "An Act for the better Management and Control of the "Highways in South Wales," extends :

The Isle of Wight :

Any District constituted under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts :

Any Parish the Highways of which are at the Time of the passing of this Act under the Superintendence of a Board established in pursuance of Section Eighteen of the Principal Act :

Any Parish within the Limits of the Metropolis as defined by the Act passed in the Session holden in the Eighteenth

[1.] A 2 and

Restrictions
on Forma-
tion of
Highway
Districts.

and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, and intituled "An Act for the better Local Management of the Metropolis:"

Any Parish the Highways whereof are maintained under the Provisions of any Local Act of Parliament :

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Secondly, there shall not be included in any Highway District formed in pursuance of this Act any Parish or Part of a Parish within the Limits of a Borough without the Consent, firstly, of the Council of such Borough, and, secondly, of the Vestry of the Parish which, or Part of which, is proposed to be included :

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Thirdly, where any Parish separately maintaining its own Highways is situate in more than One County the whole of such Parish shall, for the Purposes of this Act, be deemed to be within the County within which the Church of such Parish, or (if there be no Church) the greater Part of such Parish, is situate :

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Lastly, where Part of a Parish is, in pursuance of the Local Government Act, 1858, Amendment Act, 1861, Section 9, treated as forming Part of a District constituted under the Local Government Act, 1858, for all Purposes connected with the Repair of Highways and the Payment of Highway Rates, but for no other Purpose, such Part shall, for the Purposes of this Act, be treated as a Place separately maintaining its own Highways, and capable of being included in a Highway District under this Act; subject to this Proviso, that if a Meeting of the Ratepayers of such Part, held in manner provided by the said Section, declare that they are unwilling to be treated in manner aforesaid, this Act shall thereupon not apply to any such Part, but it shall not be lawful for such Part at any Time thereafter to form a separate Highway District in pursuance of the Powers conferred by the said Ninth Section.

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Power of
Justices to
adjourn.

8. The Justices may from Time to Time adjourn any Quarter Sessions at which any Business relating to the Formation of a Highway District is entertained, and may do at any adjourned Quarter Sessions any Act they are hereby authorized to do at Quarter Sessions.

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Legal Objections to Formation of District.

Rules as to
Objections
and Evi-
dence.

9. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the Formation of a Highway District, unless the Objector has given *Fourteen* Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully

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fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of *Three* Calendar Months from the Date of the Publication in the Gazette of the Order under which the District is formed; and the Production of a Copy of the London Gazette containing a Copy of the Order of Justices forming a Highway District shall be receivable in all Courts of Justice, and in all legal Proceedings, as Evidence of the Formation of the District and of the Matters in the said Order mentioned.

Highway Board.

10. There shall be enacted, with respect to the Constitution of the Highway Board in each Highway District, the Provisions following; (that is to say,)

Constitution
of Highway
Board.

- 15 (1.) The Highway Board shall consist of the Waywardens elected in the several Places within the District, in manner herein-after mentioned :
- (2.) The Board shall be a Body Corporate, by the Name of the Highway Board of the District to which it belongs, having a perpetual Succession and a Common Seal, with a Power to acquire and hold Lands for the Purposes of the Highway Acts, without any Licence in Mortmain :
- 20 (3.) No Act or Proceeding of the Board shall be questioned on account of any Vacancy or Vacancies in their Body :
- 25 (4.) No Defect in the Qualification or Election of any Person or Persons acting as Members or Member of the Board or Committee of a Board shall be deemed to vitiate any Proceedings of such Board in which he or they have taken part in Cases where the Majority of Members Parties to such Proceedings are duly entitled to act :
- 30 (5.) Any Minute made of Proceedings at Meetings of the Board or of Committees of the Board, if signed by any Person purporting to be the Chairman of the Board or Committee of the Board, either at the Meeting of the Board or Committee of the Board at which such Proceedings took place, or at the next ensuing Meeting of the Board or Committee of the Board, shall be receivable in Evidence in all legal Proceedings without further Proof; and until the contrary is proved every Meeting of the Board or Committee of the Board in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified :
- 35
- 40

- (6.) No Member of a Board, by being Party to, or executing in his Capacity of Member, any Contract or other Instrument on behalf of the Board, or otherwise lawfully exercising any of the Powers given to the Board, shall be subject to be tried or prosecuted, either individually or collectively, by any Person whomsoever ; and the Bodies or Goods or Lands of the Members shall not be liable to Execution of any legal Process, by reason of any Contract or other Instrument so entered into, tried, or executed by them, or by reason of any other lawful Act done by them in execution of any of the Powers of the Board ; and the Members of the Board may apply any Monies in their Hands for the Purpose of indemnifying themselves against any Losses, Costs, or Damages they may incur in execution of the Powers granted to them : 5 10
- (7.) The Rules contained in the Schedule hereto with respect to the Proceedings of Highway Boards, and the other Matters therein contained, shall be observed in the same Manner as if such Rules were enacted in the Body of this Act, with this Qualification, that it shall be lawful for the Justices of the County in which the District is situate, in Quarter Sessions assembled, on the Application of any Highway Board, to add to, modify, or alter any such Rules, so far as relates to such Highway Board ; and any Rules so added, modified, or altered, when published in such Newspaper circulating in the County as the Justices may direct and in the London Gazette, shall have the same Force as if they had been contained in the Schedule hereto. 20 25

Election of Waywardens.

Election of
Waywar-
dens.

11. The following Regulations shall be observed with respect to the Election of Waywardens in Highway Districts : 30
- In every Parish forming Part of a Highway District there shall be elected every Year for the Year next ensuing a Waywarden, or such Number of Waywardens as may be determined by Order of the Justices :
- Such Waywarden or Waywardens shall be elected in every Parish forming Part of a Highway District at the Meeting and Time and Manner, and subject to the same Exemptions and Penalties, and to the same Power of Appointment in the Justices in the event of no Election taking place, at, in, and subject to which a Person or Persons to serve the Office of Surveyor would have been chosen or appointed if this Act had not passed : 35 40
- The Justices shall in their Order make Provision for the Election of a Waywarden or Waywardens in Places where no Surveyor or 45

or Surveyors were elected previously to the Place forming Part of a Highway District :

Every Waywarden under this Act shall be qualified in manner in which a Surveyor is required to be qualified by the Principal Act. A Waywarden on vacating his Office shall be re-eligible. A Waywarden shall continue in Office until his Successor is appointed.

Consequences of Formation of Highway District.

12. At and after the First Meeting in any Highway District of the Board of such District, the following Consequences shall ensue :
- All such Property, Real and Personal, including all Interests, Easements, and Rights in, to, and out of Property, Real and Personal, and including Things in Action, as belong to or are vested in, or would but for this Act have belonged to or been vested in, any Surveyor or Surveyors of any Parishes forming Part of the District, shall pass to and vest in the Highway Board of that District for all the Estate and Interest of such Surveyor or Surveyors as aforesaid, but subject to all Debts and Liabilities affecting the same :
- All Debts and Liabilities incurred in respect of any Property transferred to the Highway Board may be enforced against the Board to the Extent of the Property transferred :
- All such Powers, Rights, Duties, Capacities, and Incapacities, (except the Power of making, assessing, and levying Highway Rates, and except the Rights in, to, and out of Property herein-before transferred to the Board,) as are vested in or attached to, or would but for this Act have become vested in or attached to, any Surveyor or Surveyors of any Parish forming Part of the District, shall vest in and attach to the Highway Board :
- All Property by this Act transferred to the Board shall be held by them upon trust for the several Parishes within their District to which such Property belongs, or for the Benefit of which it was held previously to the Foundation of the District, but the Board may use all Tools and other Chattels belonging to any such Parishes upon condition of giving such Parishes Credit for the Value thereof as for so much Money received from such Parishes :
- All Surveyors and other Persons having in their Custody, Power, or Possession any Money collected in respect or on account of the Property, Rights or Powers, and Duties and Capacities hereby transferred, or any Books, Papers, or Writings relating to the same, shall pay and deliver the same to the Board, or to such Persons as the Board may appoint ; and in case of
- [1.] A 4 Refusal
- Consequences of Establishment of Highway Board.

Refusal or Neglect the Persons so refusing or neglecting shall for each Offence incur a Penalty not exceeding *Fifty Pounds*, and shall be liable, at the Instance of the Board, to the same Actions, Suits, or other Proceedings as they would respectively have been liable to at the instance of the Parties to 5 which such Property, Rights, Powers, Duties and Capacities belonged or were attached previously to the Transfer thereof to the Board.

Appointment of Officers.

Power to
Board to
appoint
Officers.

13. The Highway Board of a District shall, at their First Meet- 10
ing or at some Adjournment thereof, by Writing under their Seal, appoint a Treasurer, Clerk, and District Surveyor. They may from Time to Time remove any of such Officers, and appoint others in the room of such as may be so removed, or as may die or resign. They may also, out of any Monies in their Hands, pay such Salaries 15 to the Clerk and District Surveyor as they think reasonable.

Two Offices
not to be held
by the same
Person.

14. The Offices of Treasurer, Clerk, and Surveyor of any Highway Board shall not, nor shall any Two of such Offices, be held by the same Person, or by Persons in Partnership with each other, or by Persons in the Relation of Employer and Clerk, Agent, or 20 Servant, one of the other, or of the Partner of either of them; and if any Person accepts or holds the Office of Treasurer, Clerk, or District Surveyor contrary to this Provision, he shall incur a Penalty not exceeding *Fifty Pounds*, to be recovered, with full Costs of Suit, in any Court of competent Jurisdiction. 25

Duties of
Clerk.

15. The Clerk of every Highway Board shall in Person, or by such Deputy as may be allowed by such Board, attend all Meetings of such Board, and shall conduct the Correspondence thereof, and enter and keep, in Books to be provided for the Purpose, Notes, Minutes, or Copies, as the Case may require, of the Meetings, Acts, 30 Orders, Resolutions, Proceedings, and Correspondence of such Board, and shall keep all Books, Papers, and Documents committed to his Charge, and shall perform all such other Duties as the Board may direct.

Duties of
Treasurer.

16. The Treasurer of each Highway Board shall receive, and hold 35 to the Account of such Board, all Monies paid to or for the Use of such Board, and shall make Payments thereout under Orders of such Board, and shall once in every *Three Months*, on or at such Days or Times as the Board may direct, or oftener if required by the Board, make up an Account of all Monies received and paid by him, and 40 deliver the same to the Clerk of the Board.

17. The

17. The District Surveyor shall act as the Agent of the Board in carrying into effect all the Works and performing all the Duties by this Act required to be carried into effect or to be performed by the Board, and he shall in all respects conform to the Orders of the Board in the Execution of his Duties.

Duties of District Surveyor.

18. The Sections of the Commissioners Clauses Act, 1847, with respect to the Appointment and Accountability of the Officers of the Commissioners, with the Exception of the Sections numbered 65 and 66, shall be incorporated with this Act; and in the Construction of such Sections "the Highway Board" shall be deemed to be the Commissioners.

Incorporation of certain Sections of the Commissioners Clauses Act, 1847.

Works and Duties of Board.

19. The Highway Board shall maintain in good Repair all Highways within their District, and protect the same from Encroachment; they may also, if they think it expedient, make any Improvements in respect of the Highways within their District by widening or levelling or (for the Purpose of making the same more convenient to the Public) by altering the Course of any Highway, or doing any Works in respect of Highways, that may be for the Convenience of the Public; and, subject to the Provisions of this Act, every Highway Board shall, as respects the Highways in each Parish within their District, perform the same Duties, have the same Powers, and be liable to the same legal Proceedings as the Surveyor of such Parish would have performed, had, and been liable to, if this Act had not passed.

Board to maintain Highways.

20. The Highway Board of any District may contract with any Persons or Body of Persons, corporate or unincorporate, to make or repair any Highways (including Turnpike Roads or County Bridges), or any Part thereof, for the making and repairing of which such Persons or Body of Persons are liable; and any Persons or Body of Persons liable to make or repair any Roads may contract with the Highway Board for the making or repairing any Highways, or any Part thereof, which the Highway Board is liable to make or repair; and the Money payable under any Contract made in pursuance of this Section shall be paid out of the Monies which would have been applicable to defray the Expenses of the Repair and Maintenance of such Highways if such Contract had not been made.

Highway Board may contract to repair Highways within other Districts.

21. A Highway Board may purchase such Lands or Easements relating to Lands as they may require for the Purposes of this Act; and "The Lands Clauses Consolidation Act, 1845," and the Act

Incorporation of Lands Clauses Act.

amending the same, passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Part of this Act, with the Exceptions and subject to the Conditions herein-after contained; that is to say, 5

(1.) There shall not be incorporated with this Part of this Act the Sections and Provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned; that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; 10 Section Seventeen, whereby it is provided that the Certificate of the Justices should be Evidence that the Capital has been subscribed; the Provisions relating to the Entry upon Lands by the Promoters of the Undertaking, contained in Sections Eighty-four to Ninety-one, both inclusive; Section One hundred and twenty-three, whereby a Limit of Time for the compulsory Purchase of Land is imposed; the Provisions relating 15 to the Manner of serving Notices; and the Provisions relating to Access to the Special Act:

(2.) In the Construction of this Part of this Act and the said incorporated Acts, this Part of this Act shall be deemed to be the Special Act, and the Board shall be deemed to be the Promoters of the Undertaking, and the Word "Land" or "Lands" shall include any Easement in or out of Lands. 20

Expenses. 25

Expenses
how charged.

22. The Salaries of the Clerk and District Surveyor appointed for each District, and any other Expenses incurred by any Highway Board for the common Use or Benefit or on the common Account of the several Parishes within such District, shall be charged to a District Fund, to be contributed by and charged upon the several 30 Parishes within such District in proportion to the Expenditure in such Parishes respectively in maintaining and keeping in repair the Highways thereof; but the Expenses of maintaining and keeping in repair the Highways of each Parish within the District, and all other Expenses in relation to such Highways, except such Expenses 35 as are in this Act authorized to be charged to the District Fund, shall be a separate Charge on each Parish.

Mode of
defraying
Expenses.

23. Every Highway Board, for defraying the Expenses and apportioned Part of Expenses chargeable as aforesaid on each Parish within their District, shall from Time to Time, by Order under their 40 Seal require the Overseers of such Parish to levy, and to pay over to the Treasurer of the Board, or into any Bank in such Order mentioned,

mentioned, and within the Time or Times thereby limited, the Sum which, after giving due Credit to such Parish for all Penalties and other Moneys received in respect thereof, such Board may require for the Purpose aforesaid (and any such Order may be made wholly
5 or in part in respect of Expenses incurred at any Time within *Six* Months before the making of the Order, or of Expenses to be thereafter incurred); and where any Parish within the Meaning of this Act is Part only of any Parish for which Overseers are appointed, the Highway Board shall specify in their Order the Part of such
10 last-mentioned Parish on which any Sum required by such Board is to be levied.

24. The Overseers of the Poor of the Parishes to whom such Orders as aforesaid are issued shall levy the Amounts mentioned therein according to the Exigency thereof, and shall for that Purpose
15 make separate equal Pound Rates upon their Parishes, or the Parts thereof respectively upon which the Sums specified in such Orders are required to be levied, in respect of the Sums thereby ordered to be levied, and shall make such Rates of such Amount in the Pound on the annual Value of the Property rateable as will in their Judgment,
20 having regard to all Circumstances, be sufficient to raise the Sums specified in such Orders; and such Rates shall be levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor in the respective Parishes, and shall be assessed upon the net annual Value of such Property, ascertained by the Rate for the
25 Time being for the Relief of the Poor, provided that the Rate shall also extend to such Woods, Mines, and Quarries of Stone, or other Hereditaments, as were before the Date of the passing of the principal Act usually rated to the Highways; and the said Overseers shall, for the Purpose of levying such Rates, proceed in the
30 same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor, and all such Rates shall be allowed in the same Manner, and be subject to all the same Provisions in relation to Appeal and to excusing Persons from Payment on account of Poverty, and otherwise, as the Rate
35 for the Relief of the Poor in the same Parish; and such Overseers shall pay to the Treasurer of the Highway Board, or otherwise as in such Orders directed, the Sums mentioned in the Orders within the Time or respective Times specified for that Purpose, and the Excess, if any, which may have been levied beyond such Sums
40 shall be placed to the Credit of the Parish or Part in which the same has been levied; and the said Overseers shall, at the Time of making any such Payment, deliver with the Money a Note in Writing signed by them specifying the Amount so paid, which Note shall be kept as a Voucher for the Receipt of that particular Amount; and

Overseers to
levy Rates
for raising
the Money
required by
Highway
Board.

the Receipt of the Treasurer of the Board, or of any proper Officer or Person of or belonging to any Bank into which such Money is so paid, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount; and the Accounts of the said Overseers with respect to Moneys received 5 and paid by them under this Act shall be audited with their Accounts relating to the Relief of the Poor.

Restriction
in Amount
of Rate.
5 & 6 W. 4.
c. 50. s. 29.

25. Provided, That no Rate to be levied for defraying any Expenses under this Act shall exceed in any One Year the Amount in the Pound capable of being levied under the Principal Act in 10 respect of Highway Rate.

Overseers on
Nonpayment
of the Rate
shall be dis-
trained upon.

26. In case the Amount ordered by any such Order as aforesaid to be paid by the Overseers of any Parish be not paid in manner directed by such Order and within the Time or Times therein specified for that Purpose, it shall be lawful for any Two Justices of the 15 Peace, upon the Complaint by the Board or by any Person authorized by them, to issue their Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers, and in case the Goods of all the Overseers be not sufficient to pay the same the Arrears thereof 20 shall be added to the Amount of the next Levy which may be directed to be made in such Parish for the Purposes of this Act, and shall be collected by the like Methods.

Special
Persons may
be appointed
to levy Rates
on Default
of Overseers.

27. Any Highway Board may, in case of any Default or Neglect of any Overseers to pay the Amount required by any such Order 25 as aforesaid, within the Time or Times and in the Manner directed by such Order, appoint Persons to levy any Money required by such Board for the Purposes of this Act in any Parish, and such Persons shall proceed in the same Manner, and have the same Powers, Remedies, and Privileges, and be subject to the same Regulations and 30 Penalties with reference to the levying of such Money, as any Overseers would have had or been subject to with reference to levying any such Money in pursuance of an Order of the Highway Board.

Accounts.

Power of
Highway
Board to
borrow
Money.

28. Any Highway Board may, with the Sanction of the One of 35 Her Majesty's Principal Secretaries of State, testified in Writing under his Hand, borrow on the Security of the Rates leviable under this Act within their District such Sums of Money as they may require for the Purposes of this Act; and in order to facilitate such borrowing, the Provisions of "The Commissioners Clauses 40 Act,

Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall be incorporated with this Act; but in order to discharge the Principal Money borrowed by any Board. the Board shall in every Year set apart such Sum as will enable them to pay 5 off the Debt in *Ten* Years.

29. The Accounts of every Highway Board shall be made up and balanced on the *Twenty-fifth Day of March* in every Year, and shall be audited by such Board, and signed by the Chairman; and such Board shall cause a Statement to be printed and published in 10 One or more Newspapers circulated in their County within *Thirty* Days after the said *Twenty-fifth Day of March*, showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable thereto in respect of the District Fund, and such other Particulars, and in such Form, as the Secretary of 15 State may direct, as herein-after mentioned.

30. The Clerk to every Highway Board shall, within such *Thirty* Days, transmit such Statement to One of Her Majesty's Principal Secretaries of State; and any such Clerk who shall not within the Time aforesaid transmit the said Statement to the said Secretary 20 of State shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, be liable to a Penalty of *Ten Pounds*.

31. The Secretary of State shall cause the Statements so transmitted to be abstracted, and the Abstracts thereof to be laid 25 before both Houses of Parliament, with the other Statements in relation to Highways required to be abstracted and laid before Parliament by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Thirty-five.

32. It shall be lawful for One of Her Majesty's Principal 30 Secretaries of State to cause to be prepared such Forms for such Statement as he may from Time to Time deem suitable, and also from Time to Time to alter the Forms for the annual Statement prescribed by the said Act of the Twelfth and Thirteenth Years of Her Majesty, but no Statement shall be transmitted under that Act 35 concerning Parishes wholly within a Highway District under this Act.

Supplemental Provisions.

33. Where any Place is extra-parochial, the Justices of the County in which such Place is situate may, by any Provisional Order 40 constituting a Highway District, annex the same to any adjoining Place

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maintaining

Accounts to be made up to 25th March, and Statement to be published.

Statement to be sent to Secretary of State. Penalty for Neglect.

Abstract of Statements to be laid before Parliament.

Secretary of State may cause Form of Statement to be prepared.

Provision as to Extra-parochial Places.

maintaining its own Highways included in the District, and in the event of such Provisional Order being confirmed by a Final Order, as herein-before mentioned, such Extra-parochial Place shall for all the Purposes of the Highway Acts be deemed to form Part of the Place to which it is annexed. 5.

Expenses of
Repair of
Highways
may be re-
covered from
Party liable
to repair
ratione
tenuræ.

34. Where any Highway which any Body Politic or Corporate or Person is liable to repair by reason of Tenure of any Land, or otherwise howsoever, is out of Repair, the Highway Board of the District in which such Highway is situate may, if they see fit, direct their Surveyor to repair the same, and the Expenses to be incurred in such Repair shall be paid by the Party liable to repair as aforesaid; and it shall be lawful for any Justice, upon the Application of any Person authorized in this Behalf by the Highway Board, to summon the Party liable to pay such Expenses to appear before Two Justices at a Time and Place to be named in such Summons, and upon the Appearance of the Parties, or in the Absence of either of them, it shall be lawful for such Justices to hear and determine the Matter, and make such Order, as well as to Costs or otherwise, as to them may seem just. 10. 15.

Surveyor of
Highway
Board
exempted
from Turn-
pike Tolls.

35. No Toll shall be demanded by virtue of any Act of Parliament on any Turnpike Road from the Surveyor of a Highway Board, when executing or proceeding to execute his Duties as such Surveyor, and all Provisions applicable to the Exemptions in the Act of the Third Year of King George the Fourth, Chapter One hundred and twenty-six, shall apply to the Case of the Exemptions conferred by this Enactment. 20 25

4 & 5 Vict.
c. 59. re-
pealed as to
Parishes
within
Highway
Districts.

36. The Act of the Session holden in the Fourth and Fifth Years of Her Majesty (Chapter Fifty-nine), "to authorize for One Year, "and until the End of the then next Session of Parliament, the "Application of a Portion of the Highway Rates to Turnpike "Roads, in certain Cases," and any Act continuing the same, shall be repealed, so far as concerns Parishes within Highway Districts under this Act, from the Expiration of *One Month* after the First Election of Waywardens for such Districts respectively. 30

Members of
Highway
Boards not
disqualified
to act as
Justices.

37. No Justice of the Peace shall be disabled from acting as such Justice at any General or Quarter Sessions in any Matter merely on the Ground that such Justice of the Peace is a Member of any Highway Board complaining, interested, or concerned in such Matter, or has acted as such at any Meeting of such Board. 35

Power to
alter High-
way Dis-
tricts.

38. Any Highway District formed under this Act may, from Time to Time, be altered by the Addition of any new Parishes or the 40

the Subtraction of any Parishes belonging thereto, and new Highway Districts may be formed by the Union of any existing Highway Districts or any Parishes forming Part of any existing Highway Districts, but any such Alteration of existing Districts or Formation of new Districts as is mentioned in this Section shall be made by Provisional and Final Orders of the Justices, and be approved by One of Her Majesty's Principal Secretaries of State, in the same Manner as is required in the Case of a Highway District originally formed under this Act; and all the Provisions of this Act with respect to the Formation of Highway Districts and Provisional and Final Orders of Justices, and the Notices to be given of and previously to the making of such Orders, and all other Proceedings relating to the Formation of Highway Districts, shall, in so far as the same are applicable, extend to such Alteration of existing or Formation of new Districts as is mentioned in this Section; and in addition thereto Provision shall be made, if necessary, in any Orders of Justices made under this Section for the Adjustment of any Matters of Account arising between Parishes or Parts of Districts in consequence of the Exercise of the Powers given by this Section.

39. If any Highway Board make default in holding its first or any subsequent Meeting in pursuance of this Act, such Board shall not thereupon become disqualified from acting, but the Justices in Quarter Sessions assembled shall, on the Application of any Persons liable to pay Highway Rates within the District, make such Order as they think fit for the holding of such Board at some other Time, and any Order so made shall be deemed to be an Order capable of being removed into the Court of Queen's Bench, in pursuance of the Act passed in the Session holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Forty-five, and may be enforced accordingly, and the Costs of any Application to the Court of Quarter Sessions in pursuance of this Section shall be defrayed in such One or more of the Modes following, as the Justices think just; that is to say, if it appear to the Justices that any Member or Officer of the Board, or any other Person, is responsible for the Default of the Board, by such Member or Person; if it appear to the Justices that any Place in particular is in Default, out of the Highway Rate leviable in such Place; in all other Cases (unless the Justices for some special Reasons order the same to be paid by the Applicants) out of the District Fund of the Board.

Provision
in case of
Failure of
Board to
hold First
Meeting.

Application of Principal Act and Saving Clause.

40. The following Regulations shall be observed with respect to the Construction of the Principal Act and this Act:

Construc-
tion of
Principal
Act and
this Act.

1. This Act shall be construed as One with the Principal Act so far as is consistent with the Provisions of this Act:

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2. The

2. The Ninth Section of the Principal Act, whereby it is enacted that a Surveyor may be appointed by the Inhabitants of a Parish with a Salary, shall not apply to any Parish within any District formed under this Act :
3. The Tenth Section of the Principal Act, whereby it is enacted 5 that the Surveyor or Surveyors at the Time of passing his or their Accounts as therein mentioned shall deliver to the Justices a Statement in Writing of the Name and Residence of the Person or Persons appointed to succeed him or them as a Surveyor or Surveyors, shall not apply to any Parish within 10 any District formed under this Act :
4. The Thirteenth, Fourteenth, Fifteenth, Sixteenth, and Seventeenth Sections of the Principal Act, providing for the Formation of Parishes into Districts, and the Eighteenth and Nineteenth Sections of the Principal Act, providing for the Appointment 15 of a Board in large Parishes, shall not apply to any Parish within any District formed under this Act :
5. The Penalty imposed by Section Twenty of the Principal Act on the Surveyor for Neglect of Duty shall not apply to a Highway Board constituted under this Act : 20
6. Any Notice required by the Principal Act to be given to the Surveyor of a Parish shall be given to the Highway Board, by sending the same, addressed in a prepaid Letter, to or leaving the same at the Office of the Board :
7. A Highway Board may delegate to the District Surveyor the 25 calling any Meeting, the making any Application, or the doing any Act except the making, levying, or assessing a Highway Rate that is by the Principal Act required to be called, made, or done by the Surveyor of any Parish :
8. The Thirty-fifth Section of the Principal Act, whereby it is 30 provided that the Ratepayers of any Parish may divide amongst themselves the Carriage of Materials in manner therein mentioned, shall not apply to any Parish within any District formed under this Act :
9. The Thirty-ninth, Fortieth, Forty-third, Forty-fourth, and Forty- 35 fifth Sections of the Principal Act relating to the Accounts of Surveyors shall not apply to the Highway Board of any District formed under this Act :
10. The Forty-first and Forty-second Sections of the Principal Act relating to the Property vested in the Surveyor, and to the 40 Delivery of such Property to the succeeding Surveyor, shall not apply to any Parish within any District formed under this Act.

41. On the Formation of a Highway District the following Regulations shall be enacted with respect to the Surveyors and the Highway Board :

Relative
Duties of
outgoing
Surveyors
and High-
way Board.

- 5 1. No Surveyor shall be appointed under the Principal Act for any Parish within such District :
2. The outgoing Surveyor of every Parish within the District shall continue in Office until the Day appointed for the First Meeting of the Highway Board of the District, and no longer :
- 10 3. The Highway Board shall, for all the Purposes of the Principal Act except that of levying Highway Rates, be deemed to be the Successor in Office of the Surveyor of every Parish within the District, and to have come into Office on the Day at which their First Meeting is appointed to be held :
- 15 4. The outgoing Surveyor of every Parish within the District shall, as respects the Accounts of the preceding Year, do the same Acts, and be subject to the same Liabilities, as if this Act had not passed.

42. All Penalties and Forfeitures incurred to or by the Surveyor of any Place in respect of any Act or Omission that has taken place prior to the Time at which such Surveyor vacates his Office under this Act may be enforced by or against the same Parties and in the same Manner as if this Act had not passed.

Saving of
Penalties.

SCHEDULE.

Proceedings of Highway Boards.

- (1.) The Board shall meet together for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Board, as they think fit, subject to the following Conditions :
 - (a.) The First Meeting shall be held at the Time and Place fixed by the Order of the Justices in that Behalf :
 - (b.) Not less than *Four* Ordinary Meetings shall be held in each Period of Twelve Months :
 - (c.) An Extraordinary Meeting may be summoned at any Time on the Requisition of *Three* Members of the Board addressed to the Clerk of the Board :
 - (d.) All Questions shall be decided by a Majority of Votes of the Members present :
 - (e.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.
- (2.) If any Member absent himself from any Ordinary Meeting of the Board without due Cause, to be approved by the Board, he shall incur such Penalty, not less than *One Pound* nor more than *Five Pounds*, as the Board may impose ; such Penalty to be paid to the District Fund of the Board, and to be deemed to be a Debt due from the defaulting Member to the Board.
- (3.) The Board shall, at their First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board, as hereafter mentioned, appoint One of their Members to be Chairman for the Year following such Choice.
- (4.) If any casual Vacancy occur in the Office of Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy ; and every such Chairman so elected as last aforesaid shall continue in Office so long only as the
Person

Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

- (5.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting.
- (6.) In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.
- (7.) The Board may delegate any of their Powers to Committees, consisting of such Number of Members of their Body as they think fit; but any Committee so formed shall, in the Exercise of the Powers delegated, conform to any Regulations that may be imposed on them by the Board.
- (8.) A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.
- (9.) A Committee may meet and adjourn as they think proper. Questions at any Meeting shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote.

Highways.

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B I L L

For the better Management of Highways,
in England.

(Prepared and brought in by
Sir George Grey and Mr. Clive.)

*Ordered, by The House of Commons, to be Printed,
7 February 1862.*

[Bill L.]

Under 3 os.

Highways Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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Preliminary.

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1. Limits of Act.
2. Definition of "County" and "Borough."
3. Definition of "Parish."
4. Definition of "Principal Act" and "Highway Acts."

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5. Provisional Order of Justices.
6. Regulations as to Orders of Justices.
7. Restrictions on Formation of Highway Districts.

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8. Rules as to Objections and Evidence.

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9. Constitution of Highway Board.

Election of Waywardens.

10. Election of Waywardens.

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11. Consequences of Establishment of Highway Board.

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12. Power to Board to appoint Officers.
13. Two Offices not to be held by the same Person.
14. Duties of Treasurer.
15. Duties of Clerk.
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18. Proceedings where Roads out of Repair.
19. Mode of Proceeding if Obligation to repair is disputed.

[Bill 66.]

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Expenses.

Expenses.

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| Sect. | |
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| 21. | Mode of defraying Expenses. |
| 22. | Provision where Parish as defined by Act not co-extensive with Parish maintaining its own Poor. |
| 23. | Power to levy Rates. |
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| 38. | Provision in case of Failure of Board to hold First Meeting. |
| 39. | Reservation of Right to adopt Local Government Act. |

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| 40. | Construction of Principal Act and this Act. |
| 41. | Relative Duties of outgoing Surveyors and Highway Boards. |
| 42. | Recovery of Penalties. |

SCHEDULE.



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B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The better Management of Highways in England.

WHEREAS it is expedient to amend the Law relating to Preamble.
Highways in England: Be it enacted by the Queen's
most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
5 present Parliament assembled, and by the Authority of the same, as
follows:

Preliminary.

1. This Act shall not extend to Scotland or Ireland.

Limits of
Act.

10 2. The Word "County" in this Act shall not include a "County
of a City" or "a County of a Town," but where a County, as herein-
before defined, is divided into Ridings or other Divisions having a
separate Court of Quarter Sessions of the Peace, it shall mean each
such Division or Riding, and not the entire County; the Word
"Borough" shall mean a Borough as defined by the Act of the
15 Session holden in the Fifth and Sixth Years of King William the
Fourth, Chapter Seventy-six, "for the Regulation of Municipal
"Corporations in England and Wales," or any Place to which the
Provisions of the said Act have been extended.

Definition
of "County"
and "Bo-
rough."

[Bill 66.]

A 2

3. The

Definition
of "Parish."

3. The Word "Parish" shall include any Place maintaining its own Highways.

Definition of
"Principal
Act" and
"Highway
Acts."

4. The Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifty, and intituled "An Act to consolidate and amend the 5
"Laws relating to Highways in that Part of Great Britain called
"England," is herein-after distinguished as "the Principal Act;"
and this Act and the Principal Act, and the other Acts amending
the Principal Act, are herein-after included under the Expression
"the Highway Acts." 10

Formation of Highway Districts.

Provisional
Order of
Justices.

5. Any Five or more Justices of a County may by Writing under their Hands require the Clerk of the Peace to add to or send with the Notice required by Law to be given of the holding of Courts of General or Quarter Sessions a Notice in the Form marked (A.) in 15
the Schedule, or as near thereto as Circumstances admit, that at the Court therein mentioned a Proposal will be made to the Justices to divide the County or some Part thereof into Highway Districts or to constitute the whole or some Part thereof a Highway District; and upon such Requisition being complied with the Justices assembled at 20
the Court of General or Quarter Sessions mentioned in the Notice may entertain such Proposal, and make a Provisional Order dividing their County or some Part thereof into Highway Districts, or constituting the whole or some Part of their County a Highway District, for the more convenient Management of Highways, but such Order 25
shall not be of any Validity unless it is confirmed by a Final Order of the Justices assembled at some subsequent Court of General or Quarter Sessions, and such Final Order shall not be of any Validity unless it is approved by One of Her Majesty's Principal Secretaries of State. 30

Regulations
as to Orders
of Justices.

6. The following Regulations shall be enacted as to the making, Confirmation, and Approval of the Orders of Justices for forming Highway Districts:—

1. The Justices making a Provisional Order under this Act shall appoint some subsequent Court of General or Quarter Sessions, 35
for the taking into consideration the Confirmation of the Provisional Order by a Final Order:
2. The Clerk of the Peace shall add to or send with the Notice required by Law to be given of the holding of Courts of General or Quarter Sessions a Notice in the Form marked 40
(B.) in the Schedule hereto, or as near thereto as Circumstances

stances admit, of the Appointment so made by the Justices in relation to the Confirmation of the Provisional Order :

3. The Justices assembled at the appointed Court of General or Quarter Sessions may make a further Order quashing the Provisional Order, or confirming it with or without Variations, or respiteing the Consideration of such Provisional Order to some subsequent Court of General or Quarter Sessions, provided,—

Firstly, that where the Variations made extend to altering the Parishes constituting any Highway District or Districts as formed in the Provisional Order, the Order shall be deemed to be provisional only, and shall be dealt with accordingly :

Secondly, that where a Respite is made to any subsequent General or Quarter Sessions, the Clerk of the Peace shall give Notice of such Respite in manner in which he is required to give Notice in respect of Sessions at which a Provisional or Final Order is proposed to be made :

4. The Provisional Order shall state the Parishes to be united in each District, the Name by which the District is to be known, and the Number of Waywardens (such Number to be at least One) which each Parish is to elect :
5. In addition to the foregoing Matters, the Provisional Order may and the Final Order shall state the Time, not being more than Seven Days after the First Election of Waywardens in pursuance of this Act, and the Place at which the First Meeting of the Highway Board is to be held in the District :
6. Notice of the Provisional and Final Orders shall as soon as possible after the making thereof be given by the Clerk of the Peace, by publishing a Copy in One or more Newspapers circulating in the County, or if the whole County is not affected by such Order in One or more Newspapers circulating in the District affected by such Orders, and by sending a Copy by Post in a prepaid Letter to the Overseers of every Parish within the proposed Highway District, and there shall be added to the Notice of the Provisional Order the Sessions at which the Confirmation of such Order will be considered :
7. The Clerk of the Peace shall forward a Copy of any Final Order of the Justices to One of Her Majesty's Principal Secretaries of State, who shall signify his Approval or Disapproval thereof to the Clerk of the Peace at some Time not earlier than One Month nor later than Three Months after the Receipt of the Order : If an Approval be given, Notice thereof setting forth the Order approved of shall be published in the London Gazette, and Notice of the Approval shall

within Fourteen Days after the Time of the Approval be forwarded by the Clerk of the Peace to the Surveyor of Highways of every Parish united by such Order :

8. The Order shall be deemed to take effect from the Day on which it is published in the Gazette. 5

Restrictions
on Forma-
tion of
Highway
Districts.

7. The following Restrictions shall be imposed with respect to the Formation of Highway Districts in pursuance of this Act :

Firstly, there shall not be included in any Highway District formed in pursuance of this Act any of the following Places ; that is to say, 10

Any Part of a County to which the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Sixteen, and intituled "An Act for the better Management and Control of the "Highways in South Wales," extends : 15

The Isle of Wight :

Any District constituted under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts :

Any Parish or Place the Highways of which are at the Time 20 of the passing of this Act under the Superintendence of a Board established in pursuance of Section Eighteen of the Principal Act, unless with the Consent of such Board :

Any Parish or Place within the Limits of the Metropolis as defined by the Act passed in the Session holden in the 25 Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, and intituled "An Act for "the better Local Management of the Metropolis:"

Any Parish or Part of a Parish the Highways whereof are maintained under the Provisions of any Local Act of 30 Parliament :

Secondly, there shall not be included in any Highway District formed in pursuance of this Act any Parish or Part of a Parish within the Limits of a Borough without the Consent, firstly, of the Council of such Borough, and, secondly, of the Vestry of the 35 Parish which, or Part of which, is proposed to be included :

Thirdly, where any Parish separately maintaining its own Highways is situate in more than One County the whole of such Parish shall, for the Purposes of this Act, be deemed to be within the County within which the Church of such Parish, or (if there 40 be no Church) the greater Part of such Parish, is situate :

Lastly, where a Parish separately maintaining its own Poor is divided into Townships, Tithings, Hamlets, or Places each of which separately maintains its own Highways, it shall be lawful

lawful for the Justices, if they think fit, in their Provisional Order to combine such Townships, Tithings, Hamlets, and Places, and to declare that no separate Waywardens shall be elected for such Townships, Tithings, Hamlets, and Places, and that such Parish shall be subject to the same Liabilities in respect of all the Highways within it which were before maintained by such Townships, Tithings, Hamlets, and Places separately, as if all their several Liabilities had attached to the whole Parish; and that a Waywarden or Waywardens shall be elected for such Parish as a whole; and where such Order is made, all the Provisions herein contained in relation to Parishes within the Meaning of this Act shall be applicable to the Parish formed by such Combination.

Legal Objections to Formation of District.

8. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the Formation of a Highway District, after the Expiration of Three Calendar Months from the Date of the Publication in the Gazette of the Order under which the District is formed; and the Production of a Copy of the London Gazette containing a Copy of the Order of Justices forming a Highway District shall be receivable in all Courts of Justice, and in all legal Proceedings, as Evidence of the Formation of the District and of the Matters in the said Order mentioned.

Rules as to
Objections
and Evi-
dence.

Highway Board.

9. There shall be enacted, with respect to the Constitution of the Highway Board in each Highway District, the Provisions following; (that is to say,)

Constitution
of Highway
Board.

- (1.) The Highway Board shall consist of the Waywardens elected in the several Places within the District, in manner herein-after mentioned, and of the Justices acting for the County and residing within the District:
- (2.) The Board shall be a Body Corporate, by the Name of the Highway Board of the District to which it belongs, having a perpetual Succession and a Common Seal, with a Power to acquire and hold Lands for the Purposes of the Highway Acts, without any Licence in Mortmain:
- (3.) No Act or Proceeding of the Board shall be questioned on account of any Vacancy or Vacancies in their Body:
- (4.) No Defect in the Qualification or Election of any Person or Persons acting as Members or Member of the Board or Committee of a Board shall be deemed to vitiate any Proceedings

of such Board in which he or they have taken part in Cases where the Majority of Members Parties to such Proceedings are duly entitled to act :

- (5.) Any Minute made of Proceedings at Meetings of the Board or of Committees of the Board, if signed by any Person pur- 5
porting to be the Chairman of the Board or Committee of the Board, either at the Meeting of the Board or Committee of the Board at which such Proceedings took place, or at the next ensuing Meeting of the Board or Committee of the Board, shall be receivable in Evidence in all legal Proceedings with- 10
out further Proof; and until the contrary is proved every Meeting of the Board or Committee of the Board in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified : 15
- (6.) No Member of a Board, by being Party to, or executing in his Capacity of Member, any Contract or other Instrument on behalf of the Board, or otherwise lawfully exercising any of the Powers given to the Board, shall be subject to be tried or prosecuted, either individually or with others, by any Person 20
whomsoever; and the Bodies or Goods or Lands of the Members shall not be liable to Execution of any legal Process, by reason of any Contract or other Instrument so entered into, tried, or executed by them, or by reason of any other lawful Act done by them in execution of any of the Powers 25
of the Board; and the Members of the Board may apply any Monies in their Hands for the Purpose of indemnifying themselves against any Losses, Costs, or Damages they may incur in execution of the Powers granted to them :
- (7.) The Rules contained in the Schedule hereto with respect to the 30
Proceedings of Highway Boards, and the other Matters therein contained, shall be observed in the same Manner as if such Rules were enacted in the Body of this Act.

Election of Waywardens.

Election of
Waywar-
dens.

10. The following Regulations shall be observed with respect to 35
the Election of Waywardens in Highway Districts :

In every Parish forming Part of a Highway District there shall be elected every Year for the Year next ensuing a Waywarden, or such Number of Waywardens as may be determined by Order of the Justices : 40

Such Waywarden or Waywardens shall be elected in every Parish forming Part of a Highway District at the Meeting and Time and in the Manner, and subject to the same Qualification and

and the same Power of Appointment in the Justices in the event of no Election taking place, or in the event of a Vacancy, at, in, and subject to which a Person or Persons to serve the Office of Surveyor would have been chosen or appointed if this Act had not passed :

- 5 The Justices shall in their Provisional Order make Provision for the Election of a Waywarden or Waywardens in Places where no Surveyor or Surveyors were elected previously to the Place forming Part of a Highway District :
- 10 A Waywarden shall continue to act until his Successor is appointed, and shall be re-eligible.

Consequences of Formation of Highway District.

11. At and after the First Meeting in any Highway District of the Board of such District, the following Consequences shall ensue :
- 15 All such Property, Real and Personal, including all Interests, Easements, and Rights in, to, and out of Property, Real and Personal, and including Things in Action, as belong to or are vested in, or would but for this Act have belonged to or been vested in, any Surveyor or Surveyors of any Parish forming Part of the District, shall pass to and vest in the Highway Board of that District for all the Estate and Interest of such Surveyor or Surveyors as aforesaid, but subject to all Debts and Liabilities affecting the same :
- 20 All Debts and Liabilities incurred in respect of any Property transferred to the Highway Board may be enforced against the Board to the Extent of the Property transferred :
- 25 All such Powers, Rights, Duties, Liabilities, Capacities, and Incapacities, (except the Power of making, assessing, and levying Highway Rates, as are vested in or attached to, or would but for this Act have become vested in or attached to, any Surveyor or Surveyors of any Parish forming Part of the District, shall vest in and attach to the Highway Board :
- 30 All Property by this Act transferred to the Board shall be held by them upon trust for the several Parishes within their District to which such Property belongs, or for the Benefit of which it was held previously to the Formation of the District :
- 35

Consequences of Establishment of Highway Board.

Appointment of Officers.

12. The Highway Board of a District shall, at their First Meeting or at some Adjournment thereof, by Writing under their Seal, appoint a Treasurer, Clerk, and District Surveyor. They may also at any Meeting, if they think fit, appoint an Assistant Surveyor.
- 40 [66.] B They

Power to Board to appoint Officers.

They may from Time to Time remove any of such Officers, and appoint others in the Room of such as may be so removed, or as may die or resign. They may also, out of any Monies in their Hands, pay such Salaries as they think reasonable to the Clerk and District and Assistant Surveyor, and to the Treasurer, if they think 5 necessary.

Two Offices
not to be held
by the same
Person.

13. Not more than One Office of Treasurer, Clerk, and District or Assistant Surveyor of any Highway Board shall be held by the same Person, or by Persons in Partnership with each other, or by Persons in the Relation of Employer and Clerk, Agent, or 10 Servant, one of the other, or of the Partner of either of them; and if any Person accepts or holds the Office of Treasurer, Clerk, or District or Assistant Surveyor, contrary to this Provision, he shall incur a Penalty not exceeding Fifty Pounds,

Duties of
Treasurer.

14. The Treasurer of each Highway Board shall receive, and hold 15 to the Account of such Board, all Monies paid to or for the Use of such Board, and shall make Payments thereout under Orders of such Board, and shall once in every Three Months, on or at such Days or Times as the Board may direct, or oftener if required by the Board, make up an Account of all Monies received and paid by him, and 20 deliver the same to the Clerk of the Board.

Duties of
Clerk.

15. The Clerk of every Highway Board shall in Person, or by such Deputy as may be allowed by such Board, attend all Meetings of the Board, and shall conduct the Correspondence thereof, and enter and keep, in Books to be provided for the Purpose, Notes, 25 Minutes, or Copies, as the Case may require, of the Meetings, Acts, Orders, Resolutions, Proceedings, and Correspondence of such Board, and shall keep all Books, Papers, and Documents committed to his Charge, and shall perform all such other Duties as the Board may direct. 30

Duties of
District
Surveyor.

16. The District Surveyor shall act as the Agent of the Board in carrying into effect all the Works and performing all the Duties by this Act required to be carried into effect or to be performed by the Board, and he shall in all respects conform to the Orders of the Board in the Execution of his Duties, and the Assistant Surveyor, 35 if any, shall perform such Duties as the Board may require, under the Direction of the District Surveyor.

Works and Duties of Board.

Board to
maintain
Highways.

17. The Highway Board shall maintain in good Repair the Highways within their District, and shall, subject to the Pro- 40 visions

visions of this Act, as respects the Highways in each Parish within their District, perform the same Duties, have the same Powers, and be liable to the same legal Proceedings as the Surveyor of such Parish would have performed, had, and been liable to if this Act had not passed.

18. Where Complaint is made to any Justice of the Peace that any Highway repairable by any Parish within the Jurisdiction of the Highway Board is out of Repair, the Justice shall issue Two Summons, the one addressed to the Highway Board and the other to the Waywarden of such Parish, requiring such Board and Waywarden to appear before the Justices at some Petty Sessions, in the Summons mentioned, to be held in the Division where such Highway is situate; and at such Petty Sessions, unless the Board undertake to repair the Road to the Satisfaction of the Justices, or unless the Waywarden deny the Liability of the Parish to repair, the Justices shall direct the Board to appear at some subsequent Petty Sessions to be then named, and shall either appoint some competent Person to view the Highway, and report to them on its State at such other Petty Sessions, or fix a Day, previous to such Petty Sessions, at which Two or more of such Justices will themselves attend to view the Highway.

Proceedings
where Roads
out of
Repair.

At such last-mentioned Petty Sessions, if the Justices are satisfied, either by the Report of the Person so appointed, or by such View as aforesaid, that the Highway complained of is not in a State of complete Repair, it shall be their Duty to make an Order on the Board limiting a Time for the Repair of the Highway complained of; and if such Highway is not put in complete and effectual Repair by the Time limited in the Order, the Justices in Petty Sessions shall appoint some Person to put the Highway into repair, and shall by Order direct that the Expenses of making such Repairs, together with a reasonable Remuneration to the Person appointed for superintending such Repairs, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Board; and any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench, in the same Manner as if it were an Order of General or Quarter Sessions, and be enforced accordingly.

All Expenses so directed to be paid by the Board in respect of the Repairs of any Highway shall be deemed to be Expenses incurred by the Board in repairing such Highway, and shall be recovered accordingly.

The Highway Board may appear before the Justices at Petty Sessions by their District Surveyor or Clerk, or any Member of the Board.

[66.]

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19. When

Mode of Proceeding if
Obligation to
repair is
disputed.

19. When, on the Hearing of any such Summons respecting the Repair of any Highway, the Liability to repair is denied by the Waywarden on behalf of his Parish, or by any Party charged therewith, the Justices shall direct a Bill of Indictment to be preferred, and the necessary Witnesses in support thereof to be subpoenaed, at the next Assizes to be holden in and for the said County, or at the next General Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Highway is situate, against the Inhabitants of the Parish, or the Party charged therewith, for suffering and permitting the said Highway to be out of Repair; and the Costs of such Prosecution shall be paid by such Party to the Proceedings as the Court before whom the Case is tried shall direct, and if directed to be paid by the Parish shall be deemed to be Expenses incurred by such Parish in keeping its Highways in repair, and shall be paid accordingly. 5 10 15

Expenses.

Expenses
how charged.

20. The Salaries of the Officers appointed for each District, and any other Expenses incurred by any Highway Board for the common Use or Benefit of the several Parishes within such District, shall be annually charged to a District Fund, to be contributed by and charged upon the several Parishes within such District in proportion to the Expenditure incurred during the last preceding Year in such Parishes respectively in maintaining and keeping in repair the Highways thereof; but the Expenses of maintaining and keeping in repair the Highways of each Parish within the District, and all other Expenses in relation to such Highways, except such Expenses as are in this Act authorized to be charged to the District Fund, shall be a separate Charge on each Parish. 20 25

Mode of
defraying
Expenses.

21. For the Purpose of obtaining Payment from the several Parishes within their District of the Sums due from them, the Highway Board shall order Precepts to be issued to the Overseers of the said Parishes, stating the Sum to be contributed by each Parish, and requesting the Overseers of such Parish, within a Time to be limited by the Precept, to pay the Sum therein mentioned to the Treasurer of the Board, and the Overseers shall comply with the Requisition of such Precept by paying the Sums to be contributed by their respective Parishes out of any Monies in their Hands applicable to the Relief of the Poor, but no Contribution required to be paid by any Parish at any One Time in pursuance of this Act shall exceed the Sum of Tenpence in the Pound, and the Aggregate of Contributions required to be paid by any Parish in any One Year in pursuance of this Act shall not exceed the Sum 30 35 40

Sum of Two Shillings and Sixpence in the Pound, except with the Consent of Four Fifths of the Inhabitants of the Parish in which such Excess may be levied, assembled at a Meeting specially called for the Purpose, of which Ten Days previous Notice has been given by the 5 Waywarden of such Parish, and then only to such Extent as may be determined by such Meeting.

22. Where any Parish as defined by this Act, and in this Section called a Highway Parish, is not a Parish separately maintaining its own Poor, in this Section called a Poor Law Parish, the Highway Board shall issue their Precept or Precepts to the Overseers of the Poor 10 Law Parish, or of the several Poor Law Parishes if more than One, of which such Highway Parish forms Part, and in the Precept or Precepts so issued shall specify the Part or Parts of the Poor Law Parish or Poor Law Parishes constituting the Highway Parish in which the Sum 15 required by the Board is to be levied, and if there be more than One such Parish shall apportion among such Parts the Amounts to be levied in each Parish.

Provision where Parish as defined by Act not co-extensive with Parish maintaining its own Poor.

Where any Highway Parish is so situate that there are no Overseers to be found to whom the Precepts of the Board may be issued, or it 20 is uncertain to what Overseers such Precepts should be issued, the Precepts of the Highway Board shall be directed to the Waywarden of such Parish, and it shall be his Duty to levy the Sums therein required to be levied.

23. Subject to the above-mentioned Restrictions as to the Amount 25 of Rates to be levied in pursuance of this Act, all Overseers or other Persons to whom Precepts of a Highway Board are hereby directed or authorized to be issued shall have the same Powers, Remedies, and Privileges for and in respect of levying the Rates hereby authorized to be levied for making Payments to a Highway Board as 30 they would have in the Case of levying ordinary Rates for the Relief of the Poor.

Power to levy Rates.

24. If any Payments required to be made by the Overseers of any Parish, or other Persons authorized to levy Rates by this Act, of Monies due to a Highway Board is in arrear, it shall be lawful for 35 any Two Justices, on Application under the Hand of the Chairman for the Time being of such Board, to summon the said Overseers or other Persons to show Cause at Petty Sessions why such Payment has not been made; and the Justices at such Petty Sessions, after hearing the Complaint preferred on behalf of the Board, may, if they think fit, 40 cause the Amount of Payment in arrear, together with the Costs occasioned by such Arrear, to be levied and recovered from the said Overseers or other Persons or any of them, in like Manner as Monies

Mode of enforcing Payment to Board.

assessed for the Relief of the Poor may be levied and recovered, and the Amount of such Arrear, together with the Costs aforesaid, when levied and recovered, to be paid to the said Board.

Accounts.

Accounts to be made up to 25th March, and Statement to be published.

25. The Accounts of every Highway Board shall be made up 5 and balanced to the Twenty-fifth Day of March in every Year, and shall be audited by such Board, and signed by the Chairman, on or before the Twenty-fifth Day of April; and such Board shall cause a Statement showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable 10 thereto in respect of the District Fund, and such other Particulars, and in such Form, as the Secretary of State may direct, as herein-after mentioned, to be printed and sent within Thirty Days after the said Audit, by Post or otherwise, to each Member of the Board and to the Overseers of every Parish within the District; and the Clerk 15 of the Board shall furnish a Copy of such Statement to any Ratepayer within the District on his Application, and on the Payment of a Sum not exceeding One Penny.

Appeal in respect of Account of Board.

26. Where a Waywarden or any Ratepayer of any Parish is of opinion that the Amount charged to his Parish for maintaining and 20 keeping the Highways therein, or in respect of the other Expenses in relation to such Highways, is more than the Sum that has actually been expended in his Parish, or than ought to have been charged thereto, he may appeal to the Justices assembled at any Court of General or Quarter Sessions held within the Period of Four Months 25 from the Time at which the Accounts were audited by the Board, but no such Appeal shall be entertained unless Notice of the Intention to appeal, specifying the Amount complained of, is given to the Board by the Appellant in Writing under his Hand within Fourteen Days after the Statement of such Accounts shall have been sent to 30 the Overseers of such Parish.

On the Hearing of such Appeal the Court may rectify the Accounts complained of, and may also rectify the Sum to be contributed to the Common Fund, and calculated on the Expenditure complained of.

If the Appellant is successful the Costs shall, unless the Court 35 otherwise orders, be paid by the Board, and shall be charged to the Parishes within the Jurisdiction of the Board other than the Parish to which Appellant belongs, in the same Proportions in which such Parishes contribute to the Common Fund of the Board.

If the Appellant is unsuccessful the Board, if the Waywarden be 40 the Appellant, may charge the Costs of the Appeal to the Parish to which the Appellant belongs, in the same Manner as if they were

were Expenses incurred in repairing the Roads in such Parish, and may levy the Sum accordingly, and may carry the Sum so levied to the Account of the several Parishes within the Jurisdiction of the Board other than the Parish to which the Appellant Waywarden belongs, in the same Manner as if they were Expenses contributed by such Parishes to the Common Fund of the Board; but if some Ratepayer other than the Waywarden is the Appellant the Court may order the Costs of the Appeal to be paid by such Appellant, and such Costs shall be recoverable in the same Manner as a Penalty is recovered under this Act.

27. The Clerk to every Highway Board shall, within such Thirty Days after the said Audit, transmit such Statement to One of Her Majesty's Principal Secretaries of State; and any such Clerk who shall not within the Time aforesaid transmit the said Statement to the said Secretary of State shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, be liable to a Penalty not exceeding Ten Pounds.

Statement to be sent to Secretary of State. Penalty for Neglect.

28. The Secretary of State shall cause the Statements so transmitted to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament, with the other Statements in relation to Highways required to be abstracted and laid before Parliament by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Thirty-five.

Abstract of Statements to be laid before Parliament.

29. It shall be lawful for One of Her Majesty's Principal Secretaries of State to cause to be prepared such Forms for such Statement as he may from Time to Time deem suitable, and also from Time to Time to alter the Forms for the annual Statement prescribed by the said Act of the Twelfth and Thirteenth Years of Her Majesty; but no Statement shall be transmitted under that Act concerning Parishes wholly within a Highway District under this Act.

Secretary of State may cause Form of Statement to be prepared.

30. The Highway Board shall, at the End of each Quarter deliver or send in a prepaid Letter to the Overseers of every Parish an Account of the Expenses of maintaining and keeping in repair the Highways within their respective Parishes during the preceding Quarter.

Quarterly Account to be sent to Overseers.

Supplemental Provisions.

31. Where in pursuance of an Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter Nineteen, [66.]

Provision as to Extra-parochial Places.

and intituled “ An Act for the Relief of the Poor in Extra-parochial Places,” any Place is declared to be a Parish, or where Overseers of the Poor are appointed for any Place, such Place shall be deemed to be a Parish separately maintaining its own Highways; and where in pursuance of the same Act any Place is annexed to any adjoining Parish, or to any District in which the Relief of the Poor is administered under a Local Act, such Place shall be deemed to be annexed to such Parish or District for the Purposes of the Maintenance of the Highways, as well as for the Purposes in the said Act mentioned.

Expenses of
Repair of
Highways
may be re-
covered from
Party liable
to repair
ratione
tenuræ.

32. Where any Highway which any Body Politic or Corporate or Person is liable to repair by reason of Tenure of any Land, or otherwise howsoever, shall be adjudged in the Manner provided by the Principal Act to be out of Repair, the Highway Board of the District in which such Highway is situate may, if they see fit, direct their Surveyor to repair the same, and the Expenses to be incurred in such Repair shall be paid by the Party liable to repair as aforesaid; and it shall be lawful for any Justice, upon the Application of any Person authorized in this Behalf by the Highway Board, to summon the Party liable to pay such Expenses to appear before Two Justices at a Time and Place to be named in such Summons, and upon the Appearance of the Parties, or in the Absence of either of them, it shall be lawful for such Justices to hear and determine the Matter, and make such Order, as well as to Costs or otherwise, as to them may seem just.

Highways
repairable
ratione te-
nuræ may be
made repair-
able by the
Parish.

33. Where any Person or Corporation is liable, by reason of Tenure of Lands or otherwise, to repair any Highway situate in a Highway District, the Person or Corporation so liable may apply to any Justice of the Peace for the Purpose of making such Highway a Highway to be repaired and maintained by the Parish in which the same is situate; and such Justice shall thereupon issue Summonses requiring the Waywarden of such Parish, the District Surveyor, and the Party so liable to repair such Highway as aforesaid, to appear before Two or more Justices in Petty Sessions assembled, and the Justices at such Petty Sessions shall proceed to examine and determine the Matter, and shall, if they think fit, make an Order under their Hands that such Highway shall thereafter be a Highway to be thereafter repaired and maintained by the Parish, and shall in such Order fix a certain Sum to be paid by such Person or Corporation to the Highway Board of the District, in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway; and in default of Payment of such Sum the Board may proceed for the Recovery thereof in the same Manner as for the Recovery of Penalties or Forfeitures recoverable under this Act: Provided always,

always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway exceeds Fifty Pounds, the same, when received, shall be invested in the Name of the Highway Board of the District in
 5 some Public Government Securities, and the Interest and Dividends arising therefrom shall be applied by such Board towards the Repair and Maintenance of the Highways within the Parish in which such Highway is situate; but when such Sum does not exceed Fifty Pounds the same or any Part thereof, at the Discretion of such
 10 Highway Board, shall from Time to Time be applied by such Board towards the Repair and Maintenance of the Highways within such Parish: Provided that any Person aggrieved by any Order of Justices made in pursuance of this Section may appeal to a Court of General or Quarter Sessions holden within Four Months from the Date of
 15 such Order; but no such Appeal shall be entertained unless the Appellant has given to the other Party to the Case a Notice in Writing of such Appeal, and of the Matter thereof, within Fourteen Days after such Order, and Seven clear Days at the least before such Sessions, and has entered into a Recognizance, with Two sufficient
 20 Sureties, before a Justice of the Peace, conditioned to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as may be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Court at such Sessions shall hear and deter-
 25 mine the Matter of the Appeal, and shall make such Order thereon, with or without Costs to either Party, as to the Court may seem meet:
 From and after the making of such Order by the Justices, or by the Court on Appeal, as the Case may require, such Highway shall be repaired in like Manner and at the like Expense as other Highways
 30 which such Parish is liable to repair.

34. Where the Inhabitants of any Parish are desirous of undertaking the Repair and Maintenance of any Driftway, or any private Carriage or Occupation Road, within their Parish, in return for the Use thereof, the District Surveyor may, at the Request of the
 35 Inhabitants of such Parish assembled in a Vestry duly convened for the Purpose, apply to the Justices in Petty Sessions to declare such Driftway or Road to be a public Highway repairable at the Expense of the Parish; and upon such Application being made it shall be lawful for the Justices in the Case of a Driftway to declare the
 40 same to be a public Carriage Road repairable at the Expense of the Parish, and in the Case of a private Carriage or Occupation Road to direct a Notice in Writing to be put up in any Part of such Road, declaring the whole or any Length thereof to be a Highway repairable at the Expense of the Parish; and after the Expiration
 [66.] C of

Provision as
to Roads laid
out.

of Three Months from the Date of such Notice being so put up the Road in respect of which such Notice is given shall become a Highway repairable at the Expense of the Parish, subject to the Proviso that if at any Time within the said Period of Three Months any Proprietor of such Road, by Notice in Writing served on the Highway Board, objects to the same being made a Highway, the Notice put up by Order of the Justices shall not be of any Force, and the Road shall not become a Highway repairable by the Parish. 5

Surveyor of
Highway
Board
exempted
from Turn-
pike Tolls.

35. No Toll shall be demanded by virtue of any Act of Parliament on any Turnpike Road from the Surveyor of a Highway Board when executing or proceeding to execute his Duties as such Surveyor, and all Provisions applicable to the Exemptions in the Act of the Third Year of King George the Fourth, Chapter One hundred and twenty-six, shall apply to the Case of the Exemptions conferred by this Enactment. 10 15

Limiting
Jurisdiction
of Justices.

36. No Justice of the Peace shall act as such, either singly or at any Petty or General or Quarter Sessions or Special Sessions, in any Matter in which he has already acted as a Member of the Highway Board.

Power to
alter High-
way Dis-
tricts.

37. Any Highway District formed under this Act may, from Time to Time, be altered by the Addition of any Parishes or the Subtraction therefrom of any Parishes, and new Highway Districts may be formed by the Union of any existing Highway Districts or any Parishes forming Part of any existing Highway Districts, or any Highway District may be dissolved; but any such Alteration of existing Districts, or Formation of new Districts, or Dissolution of any District, shall be made by Provisional and Final Orders of the Justices, and be approved by One of Her Majesty's Principal Secretaries of State, in the same Manner as is required in the Case of a Highway District originally formed under this Act; and all the Provisions of this Act with respect to the Formation of Highway Districts and Provisional and Final Orders of Justices, and the Notices to be given of and previously to the making of such Orders, and all other Proceedings relating to the Formation of Highway Districts, shall, in so far as the same are applicable, extend to such Alteration of existing or Formation of new Districts, or Dissolution of Districts, as is mentioned in this Section; and in addition thereto Provision shall be made, if necessary, in any Orders of Justices made under this Section for the Adjustment of any Matters of Account arising between Parishes or Parts of Districts in consequence of the Exercise of the Powers given by this Section. Where any Highway District is dissolved, 20 25 30 35 40

dissolved, or where any Parish is excluded from any Highway District, the Highways in such District or Parish shall be maintained, and the Provisions of the Principal Act in relation to the Election of Surveyors and to all other Matters shall apply to the said Highways, 5 in the same Manner as if such Highways had never been included within the Limits of a Highway District.

38. If any Highway Board make default in holding its First Meeting in pursuance of this Act, such Board shall not thereupon become disqualified from acting, but the Justices in General or 10 Quarter Sessions shall, on the Application of any Persons liable to pay Highway Rates within the District, make such Order as they think fit for the holding of such Board at some other Time, and any Order so made shall be deemed to be an Order capable of being removed into the Court of Queen's Bench, in pursuance 15 of the Act passed in the Session holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Forty-five, and may be enforced accordingly, and the Costs of any Application to the Court of Quarter Sessions in pursuance of this Section shall be defrayed in such One or more of the Modes following 20 as the Justices think just; that is to say, if it appear to the Justices that any Member or Officer of the Board is responsible for the Default of the Board, by such Person; in all other Cases (unless the Justices for some special Reasons order the same to be paid by the Applicants), out of the District Fund of the Board.

Provision
in case of
Failure of
Board to
hold First
Meeting.

39. Any Parish or Part of a Parish included in a Highway District may adopt the Local Government Act in the same 25 Manner and under the same Circumstances in and under which it might have adopted the same if it had not been included in such District; and upon such Adoption being made such Parish or Part 30 of a Parish shall cease to form Part of such District, subject nevertheless to the Payment of any Contribution that may at the Time of such Adoption be due from such Parish or Part of a Parish to the Highway Board.

Reservation
of Right to
adopt Local
Government
Act.

Application of Principal Act.

40. The following Regulations shall be observed with respect to 35 the Construction of the Principal Act and this Act :
1. This Act shall be construed as One with the Principal Act so far as is consistent with the Provisions of this Act :
2. The Ninth Section of the Principal Act, whereby it is enacted 40 that a Surveyor may be appointed by the Inhabitants of a
[66.] C 2 Parish

Construc-
tion of
Principal
Act and
this Act.

- Parish with a Salary, shall not apply to any Parish within any District formed under this Act :
3. The Tenth Section of the Principal Act, whereby it is enacted that the Surveyor or Surveyors at the Time of passing his or their Accounts as therein mentioned shall deliver to the Jus- 5
tices a Statement in Writing of the Name and Residence of the Person or Persons appointed to succeed him or them as a Surveyor or Surveyors, shall not apply to any Parish within any District formed under this Act :
 4. The Thirteenth, Fourteenth, Fifteenth, Sixteenth, and Seven- 10
teenth Sections of the Principal Act, providing for the Formation of Parishes into Districts, and the Eighteenth and Nineteenth Sections of the Principal Act, providing for the Appointment of a Board in large Parishes, shall not apply to any Parish within any District formed under this Act : 15
 5. The Penalty imposed by Section Twenty of the Principal Act on the Surveyor for Neglect of Duty shall not apply to a Highway Board constituted under this Act :
 6. Any Summons or Notice, or any Writ or any Proceeding, at Law or in Equity, requiring to be served upon the Board, may 20
be served by the same being left at or transmitted through the Post in a pre-paid Letter directed to the Office of the Board, or being given personally to the District Surveyor or Clerk of the Board.
 7. The Thirty-fifth Section of the Principal Act, whereby it is 25
provided that the Ratepayers of any Parish may divide amongst themselves the Carriage of Materials in manner therein mentioned, shall not apply to any Parish within any District formed under this Act :
 8. The Thirty-ninth, Fortieth, Forty-third, Forty-fourth, and Forty- 30
fifth Sections of the Principal Act relating to the Accounts of Surveyors shall not apply to the Highway Board of any District formed under this Act.

Relative
Duties of
outgoing
Surveyors
and High-
way Board.

41. On the Formation of a Highway District the following Regulations shall be enacted with respect to the Surveyors and the High- 35
way Board :

1. No Surveyor shall be appointed under the Principal Act for any Parish within such District :
2. The outgoing Surveyor of every Parish within the District shall continue in Office until Seven Days after the Appointment of 40
the District Surveyor by the Highway Board of the District of such outgoing Surveyor, and no longer ; and he may recover any Highway Rate made and then remaining unpaid, in the same Manner as if this Act had not been passed, and

and the Money so recovered shall be applied, in the first place, in reimbursing any Expenses incurred by him as such Surveyor, and in discharging any Debts legally owing by him on account of the Highways within his Jurisdiction, and the Surplus (if any) shall be paid by him to the Treasurer of the Highway Board ; and he shall be entitled to receive from the Highway Board any Sum not exceeding Five Pounds, which on the Allowance of his Accounts shall be found to be due to him as such Surveyor after the Collection and Expenditure of the whole of the Highway Rate made in such Parish during the last Year :

3. The Highway Board shall, for all the Purposes of the Principal Act except that of levying Highway Rates, be deemed to be the Successor in Office of the Surveyor of every Parish within the District.

42. All Penalties under this Act, and all Monies recoverable as Penalties, may be recovered summarily before any Two or more Justices in the Manner directed by the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, and any Act amending the same ; but where any Sum adjudged to be paid under this Act in respect of such Penalties or Monies exceeds Five Pounds, an Appeal may be had by any Person aggrieved to a Court of General or Quarter Sessions in manner provided by the One hundred and sixth Section of the Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Ninety-six, intituled “ An Act to consolidate and amend the Statute Law of England “ and Ireland relating to Larceny and other similar Offences.”

Recovery of Penalties.

SCHEDULE.

Proceedings of Highway Boards.

- (1.) The Board shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Board, as they think fit, subject to the following Conditions :
 - (a.) The First Meeting shall be held at the Time and Place fixed by the Order of the Justices in that Behalf :
 - (b.) Not less than Four Ordinary Meetings shall be held in each Period of Twelve Months :
 - (c.) An Extraordinary Meeting may be summoned at any Time on the Requisition of Three Members of the Board addressed to the Clerk of the Board :
 - (d.) The Quorum to be fixed by the Board shall consist of not less than Three Members :
 - (e.) All Questions shall be decided by a Majority of Votes of the Members present :
 - (f.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.
- (2.) The Board shall, at their First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board, as hereafter mentioned, appoint One of their Members to be Chairman and One other of their Members to be a Vice Chairman for the Year following such Choice.
- (3.) If any casual Vacancy occur in the Office of Chairman or Vice Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy ; and every such Chairman or Vice Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.
- (4.) If

- (4.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Vice Chairman shall be the Chairman of the Meeting, and if neither the Chairman nor Vice Chairman shall be present then the Members present shall choose some One of their Number to be Chairman of such Meeting.
- (5.) In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.
- (6.) All Orders of the Board for Payment of Money, and all Precepts issued by the Board, shall be signed by the Chairman for the Time being of the Meeting, and Two other Members of the Board, and countersigned by the Clerk.

FORM (A.)

NOTICE is hereby given, That at the Court of *General* or *Quarter* Sessions to be held on the _____ Day of _____ a Proposal will be made *to divide the County of Lincoln into Highway Districts* [or *to divide the Parts of Holland in the County of Lincoln into Highway Districts*, or *to constitute the County of Rutland a Highway District*, or *to constitute the Parishes of Alford, Castle Carey, and Lovington in the County of Somerset a Highway District*].

FORM (B.)

WHEREAS at a Court of *General* or *Quarter* Sessions, held on the _____ Day of _____ last, a Provisional Order was made in the Words following; that is to say, [*here set out the Provisional Order*]

Notice is hereby given, that the Confirmation of the said Provisional Order by a Final Order will be taken into Consideration by the Justices at the Court of *General* or *Quarter* Sessions, to be held on the _____ Day of _____ next.

Highways.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For the better Management of Highways
in England.

(*Prepared and brought in by*
Sir George Grey and Mr. Cline.)

Ordered, by The House of Commons, to be Printed,
31 March 1862.

[Bill 66.]

Under 3 oz.

Highways Bill.

[AS AMENDED BY THE SELECT COMMITTEE AND IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Sect.

1. Limits of Act.
2. Definition of "County" and "Borough."
3. Definition of "Parish."
4. Definition of "Principal Act" and "Highway Acts."

Formation of Highway Districts.

5. Provisional Order of Justices.
6. Regulations as to Orders of Justices.
7. Restrictions on Formation of Highway Districts.

Legal Objections to Formation of District.

8. Rules as to Objections and Evidence.

Highway Board.

9. Constitution of Highway Board.

Election of Waywardens.

10. Election of Waywardens.

Consequences of Formation of Highway District.

11. Consequences of Establishment of Highway Board.

Appointment of Officers.

12. Power to Board to appoint Officers.
13. Two Offices not to be held by the same Person.
14. Duties of Treasurer.
15. Duties of Clerk.
16. Duties of District Surveyor.

Works and Duties of Board.

17. Board to maintain Highways.
18. Proceedings where Roads out of Repair.
19. Mode of Proceeding if Obligation to repair is disputed.

[Bill 135.]

A

Expenses.

*Highways.**Expenses.*

- Sect.
 20. Expenses how charged.
 21. Mode of defraying Expenses.
 22. Provision where Parish as defined by Act not co-extensive with Parish maintaining its own Poor.
 23. Power to levy Rates.
 24. Mode of enforcing Payment to Board.

Accounts.

25. Accounts to be made up to 25th March, and Statement to be published.
 26. Appeal in respect of Account of Board.
 27. Statement to be sent to Secretary of State; Penalty for Neglect.
 28. Abstract of Statements to be laid before Parliament.
 29. Secretary of State may cause Form of Statement to be prepared.
 30. Quarterly Account to be sent to Overseers.

Supplemental Provisions.

31. Provision as to Extra-parochial Places.
 32. CLAUSE A.—Provision for outlying Part of Parishes.
 33. Expenses of Repair of Highways may be recovered from Party liable to repair *ratione tenuræ*.
 34. Highways repairable *ratione tenuræ* may be made repairable by Parish.
 35. Provision as to Roads laid out.
 36. CLAUSE B.—Provisions for Discontinuance of Maintenance of unnecessary Highways.
 37. Surveyor of Highway Board exempted from Turnpike Tolls.
 38. Limiting Jurisdiction of Justices.
 39. Power to alter Highway Districts.
 40. Provision in case of Failure of Board to hold First Meeting.
 41. Reservation of Right to adopt Local Government Act.

Application of Principal Act.

42. Construction of Principal Act and this Act.
 43. Relative Duties of outgoing Surveyors and Highway Boards.
 44. CLAUSE C.—Provisions of Principal Act to be applicable to Highways under Local or Personal Acts.
 45. CLAUSE D.—Enabling Councils of certain Boroughs to adopt Parish Roads and Highways, and to apply Rates for their Repair.
 46. Recovery of Penalties.

SCHEDULE.

26 May 1862. 25 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE
AND IN COMMITTEE]

FOR

The better Management of Highways in England.

WHEREAS it is expedient to amend the Law relating to Preamble.
Highways in England: Be it enacted by the Queen's
most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
5 present Parliament assembled, and by the Authority of the same, as
follows:

Preliminary.

1. This Act shall not extend to Scotland or Ireland.

Limits of
Act.

10 2. The Word "County" in this Act shall not include a "County
of a City" or "a County of a Town," but where a County, as herein-
before defined, is divided into Ridings or other Divisions having a
separate Court of Quarter Sessions of the Peace, it shall mean each
such Division or Riding, and not the entire County; the Word
"Borough" shall mean a Borough as defined by the Act of the
15 Session holden in the Fifth and Sixth Years of King William the
Fourth, Chapter Seventy-six, "for the Regulation of Municipal
"Corporations in England and Wales," or any Place to which the
Provisions of the said Act have been or shall hereafter have been
extended.

Definition
of "County"
and "Bo-
rough."

[Bill 135.]

A 2

3. The

Definition
of "Parish."

3. The Word "Parish" shall include any Place maintaining its own Highways.

Definition of
"Principal
Act" and
"Highway
Acts."

4. The Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifty, and intituled "An Act to consolidate and amend the 5
" Laws relating to Highways in that Part of Great Britain called
" England," is herein-after distinguished as "the Principal Act;"
and this Act and the Principal Act, and the other Acts amending
the Principal Act, are herein-after included under the Expression
"the Highway Acts." 10

Formation of Highway Districts.

Provisional
Order of
Justices.

5. Any Five or more Justices of a County may by Writing
under their Hands require the Clerk of the Peace to add to or send with
the Notice required by Law to be given of the holding of Courts of
General or Quarter Sessions a Notice in the Form marked (A.) in 15
the Schedule, or as near thereto as Circumstances admit, that at the
Court therein mentioned a Proposal will be made to the Justices to
divide the County or some Part thereof into Highway Districts or to
constitute the whole or some Part thereof a Highway District; and
upon such Requisition being complied with the Justices assembled at 20
the Court of General or Quarter Sessions mentioned in the Notice
may entertain such Proposal, and make a Provisional Order dividing
their County or some Part thereof into Highway Districts, or con-
stituting the whole or some Part of their County a Highway District,
for the more convenient Management of Highways, but such Order 25
shall not be of any Validity unless it is confirmed by a Final Order
of the Justices assembled at some subsequent Court of General or
Quarter Sessions, and such Final Order shall not be of any Validity
unless it is approved by One of Her Majesty's Principal Secretaries of
State. 30

Regulations
as to Orders
of Justices.

6. The following Regulations shall be enacted as to the
making, Confirmation, and Approval of the Orders of Justices for
forming Highway Districts:—

1. The Justices making a Provisional Order under this Act shall
appoint some subsequent Court of General or Quarter Sessions, 35
for the taking into consideration the Confirmation of the Pro-
visional Order by a Final Order :
2. The Clerk of the Peace shall add to or send with the Notice
required by Law to be given of the holding of Courts of
General or Quarter Sessions a Notice in the Form marked 40
(B.) in the Schedule hereto, or as near thereto as Circum-
stances

stances admit, of the Appointment so made by the Justices in relation to the Confirmation of the Provisional Order :

3. The Justices assembled at the appointed Court of General or Quarter Sessions may make a further Order quashing the Provisional Order, or confirming it with or without Variations, or respiteing the Consideration of such Provisional Order to some subsequent Court of General or Quarter Sessions, provided,—

Firstly, that where the Variations made extend to altering the Parishes constituting any Highway District or Districts as formed in the Provisional Order, the Order shall be deemed to be provisional only, and shall be dealt with accordingly :

Secondly, that where a Respite is made to any subsequent General or Quarter Sessions, the Clerk of the Peace shall give Notice of such Respite in manner in which he is required to give Notice in respect of Sessions at which a Provisional or Final Order is proposed to be made :

4. The Provisional Order shall state the Parishes to be united in each District, the Name by which the District is to be known, and the Number of Waywardens (such Number to be at least One) which each Parish is to elect :

5. In addition to the foregoing Matters, the Provisional Order may and the Final Order shall state the Time, not being more than Seven Days after the First Election of Waywardens in pursuance of this Act, and the Place at which the First Meeting of the Highway Board is to be held in the District :

6. Notice of the Provisional and Final Orders shall as soon as possible after the making thereof be given by the Clerk of the Peace, by publishing a Copy in One or more Newspapers circulating in the County, or if the whole County is not affected by such Order in One or more Newspapers circulating in the District affected by such Orders, and by sending a Copy by Post in a prepaid Letter to the Overseers of every Parish within the proposed Highway District, and there shall be added to the Notice of the Provisional Order the Sessions at which the Confirmation of such Order will be considered :

7. The Clerk of the Peace shall forward a Copy of any Final Order of the Justices to One of Her Majesty's Principal Secretaries of State, who shall signify his Approval or Disapproval thereof to the Clerk of the Peace at some Time not earlier than One Month nor later than Three Months after the Receipt of the Order : If an Approval be given, Notice thereof setting forth the Order approved of shall be published in the London Gazette, and Notice of the Approval shall

within Fourteen Days after the Time of the Approval be forwarded by the Clerk of the Peace to the Surveyor of Highways of every Parish united by such Order:

8. The Order shall be deemed to take effect from the Day on which it is published in the Gazette.

5

Restrictions
on Forma-
tion of
Highway
Districts.

7. The following Restrictions shall be imposed with respect to the Formation of Highway Districts in pursuance of this Act:

Firstly, there shall not be included in any Highway District formed in pursuance of this Act any of the following Places; that is to say,

10

Any Part of a County to which the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Sixty-eight, and intituled "An Act for the better Management and "Control of the Highways in South Wales," extends:

15

The Isle of Wight:

Any District constituted under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts:

Any Parish or Place the Highways of which are at the Time of the passing of this Act under the Superintendence of a Board established in pursuance of Section Eighteen of the Principal Act, unless with the Consent of such Board:

20

Any Parish or Place within the Limits of the Metropolis as defined by the Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, and intituled "An Act for "the better Local Management of the Metropolis:"

25

Any Parish or Place, or Part of a Parish or Place, the Highways whereof are maintained under the Provisions of any Local Act of Parliament:

30

Secondly, there shall not be included in any Highway District formed in pursuance of this Act any Parish or Place or Part of a Parish or Place within the Limits of a Borough without the Consent, firstly, of the Council of such Borough, and, secondly, of the Vestry of the Parish which, or Part of which, is proposed to be included:

35

Thirdly, where any Parish separately maintaining its own Highways is situate in more than One County the whole of such Parish shall, for the Purposes of this Act, be deemed to be within the County within which the Church of such Parish, or (if there be no Church) the greater Part of such Parish, is situate:

40

Lastly, where a Parish separately maintaining its own Poor is divided into Townships, Tithings, Hamlets, or Places each of which

which separately maintains its own Highways, it shall be lawful for the Justices, if they think fit, in their Provisional Order to combine such Townships, Tithings, Hamlets, and Places, and to declare that no separate Waywardens shall be elected for such Townships, Tithings, Hamlets, and Places, and that such Parish shall be subject to the same Liabilities in respect of all the Highways within it which were before maintained by such Townships, Tithings, Hamlets, and Places separately, as if all their several Liabilities had attached to the whole Parish; and that a Waywarden or Waywardens shall be elected for such Parish as a whole; and where such Order is made, all the Provisions herein contained in relation to Parishes within the Meaning of this Act shall be applicable to the Parish formed by such Combination.

15 *Legal Objections to Formation of District.*

8. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the Formation of a Highway District, after the Expiration of Three Calendar Months from the Date of the Publication in the Gazette of the Order under which the District is formed; and the Production of a Copy of the London Gazette containing a Copy of the Order of Justices forming a Highway District shall be receivable in all Courts of Justice, and in all legal Proceedings, as Evidence of the Formation of the District and of the Matters in the said Order mentioned.

Rules as to
Objections
and Evi-
dence.

25 *Highway Board.*

9. There shall be enacted, with respect to the Constitution of the Highway Board in each Highway District, the Provisions following; (that is to say,)

Constitution
of Highway
Board.

- (1.) The Highway Board shall consist of the Waywardens elected in the several Places within the District, in manner herein-after mentioned, and of the Justices acting for the County and residing within the District:
- (2.) The Board shall be a Body Corporate, by the Name of the Highway Board of the District to which it belongs, having a perpetual Succession and a Common Seal, with a Power to acquire and hold Lands for the Purposes of the Highway Acts, without any Licence in Mortmain:
- (3.) No Act or Proceeding of the Board shall be questioned on account of any Vacancy or Vacancies in their Body:
- (4.) No Defect in the Qualification or Election of any Person or Persons acting as Members or Member of the Board or Committee of a Board shall be deemed to vitiate any Proceedings

of such Board in which he or they have taken part in Cases where the Majority of Members Parties to such Proceedings are duly entitled to act :

- (5.) Any Minute made of Proceedings at Meetings of the Board or of Committees of the Board, if signed by any Person pur- 5
porting to be the Chairman of the Board or Committee of the Board, either at the Meeting of the Board or Committee of the Board at which such Proceedings took place, or at the next ensuing Meeting of the Board or Committee of the Board, shall be receivable in Evidence in all legal Proceedings with- 10
out further Proof; and until the contrary is proved every Meeting of the Board or Committee of the Board in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified : 15
- (6.) No Member of a Board, by being Party to, or executing in his Capacity of Member, any Contract or other Instrument on behalf of the Board, or otherwise lawfully exercising any of the Powers given to the Board, shall be subject to be tried or prosecuted, either individually or with others, by any Person 20
whomsoever; and the Bodies or Goods or Lands of the Members shall not be liable to Execution of any legal Process, by reason of any Contract or other Instrument so entered into, tried, or executed by them, or by reason of any other lawful Act done by them in execution of any of the Powers 25
of the Board; and the Members of the Board may apply any Monies in their Hands for the Purpose of indemnifying themselves against any Losses, Costs, or Damages they may incur in execution of the Powers granted to them :
- (7.) The Rules contained in the Schedule hereto with respect to the 30
Proceedings of Highway Boards, and the other Matters therein contained, shall be observed in the same Manner as if such Rules were enacted in the Body of this Act.

Election of Waywardens.

Election of
Waywar-
dens.

10. The following Regulations shall be observed with respect to 35
the Election of Waywardens in Highway Districts :

In every Parish forming Part of a Highway District there shall be elected every Year for the Year next ensuing a Waywarden, or such Number of Waywardens as may be determined by Order of the Justices : 40

Such Waywarden or Waywardens shall be elected in every Parish forming Part of a Highway District at the Meeting and Time and in the Manner, and subject to the same Qualification and

and the same Power of Appointment in the Justices in the event of no Election taking place, or in the event of a Vacancy, at, in, and subject to which a Person or Persons to serve the Office of Surveyor would have been chosen or appointed if this Act had not passed :

- 5 The Justices shall in their Provisional Order make Provision for the Election of a Waywarden or Waywardens in Places where no Surveyor or Surveyors were elected previously to the Place forming Part of a Highway District :
- 10 A Waywarden shall continue to act until his Successor is appointed, and shall be re-eligible.

Consequences of Formation of Highway District.

11. At and after the First Meeting in any Highway District of the Board of such District, the following Consequences shall ensue :
- 15 All such Property, Real and Personal, including all Interests, Easements, and Rights in, to, and out of Property, Real and Personal, and including Things in Action, as belong to or are vested in, or would but for this Act have belonged to or been vested in, any Surveyor or Surveyors of any Parish forming Part of the District, shall pass to and vest in the Highway Board of that District for all the Estate and Interest of such Surveyor or Surveyors as aforesaid, but subject to all Debts and Liabilities affecting the same :
- 20
- All Debts and Liabilities incurred in respect of any Property transferred to the Highway Board may be enforced against the Board to the Extent of the Property transferred :
- 25
- All such Powers, Rights, Duties, Liabilities, Capacities, and Incapacities, (except the Power of making, assessing, and levying Highway Rates, as are vested in or attached to, or would but for this Act have become vested in or attached to, any Surveyor or Surveyors of any Parish forming Part of the District, shall vest in and attach to the Highway Board :
- 30
- All Property by this Act transferred to the Board shall be held by them upon trust for the several Parishes within their District to which such Property belongs, or for the Benefit of which it was held previously to the Formation of the District :
- 35

Consequences of Establishment of Highway Board.

Appointment of Officers.

12. The Highway Board of a District shall, at their First Meeting or at some Adjournment thereof, by Writing under their Seal, appoint a Treasurer, Clerk, and District Surveyor. They may also at any Meeting, if they think fit, appoint an Assistant Surveyor. They may from Time to Time remove any of such Officers, and
- 40
- [135.] B appoint

Power to Board to appoint Officers.

appoint others in the Room of such as may be so removed, or as may die or resign. They may also, out of any Monies in their Hands, pay such Salaries as they think reasonable to the Clerk and District and Assistant Surveyor, and to the Treasurer, if they think necessary : Provided that before the Treasurer enter upon his Office 5 the Board shall take sufficient Security from him for the due Performance of the Duties of his Office.

Two Offices
not to be held
by the same
Person.

13. Not more than One Office of Treasurer, Clerk, and District or Assistant Surveyor of any Highway Board shall be held by the same Person, or by Persons in Partnership with each other, 10 or by Persons in the Relation of Employer and Clerk, Agent, or Servant, one of the other, or of the Partner of either of them ; and if any Person accepts or holds the Office of Treasurer, Clerk, or District or Assistant Surveyor, contrary to this Provision, he shall incur a Penalty not exceeding Fifty Pounds, 15

Duties of
Treasurer.

14. The Treasurer of each Highway Board shall receive, and hold to the Account of such Board, all Monies paid to or for the Use of such Board, and shall make Payments thereout under Orders of such Board, and shall once in every Three Months, on or at such Days or Times as the Board may direct, or oftener if required by the Board, 20 make up an Account of all Monies received and paid by him, and deliver the same to the Clerk of the Board.

Duties of
Clerk.

15. The Clerk of every Highway Board shall in Person, or by such Deputy as may be allowed by such Board, attend all Meetings of the Board, and shall conduct the Correspondence thereof, and 25 enter and keep, in Books to be provided for the Purpose, Notes, Minutes, or Copies, as the Case may require, of the Meetings, Acts, Orders, Resolutions, Proceedings, and Correspondence of such Board, and shall keep all Books, Papers, and Documents committed to his Charge, and shall perform all such other Duties as the Board may 30 direct.

Duties of
District
Surveyor.

16. The District Surveyor shall act as the Agent of the Board in carrying into effect all the Works and performing all the Duties by this Act required to be carried into effect or to be performed 35 by the Board, and he shall in all respects conform to the Orders of the Board in the Execution of his Duties, and the Assistant Surveyor, if any, shall perform such Duties as the Board may require, under the Direction of the District Surveyor.

Works and Duties of Board.

Board to
maintain
Highways.

17. The Highway Board shall maintain in good Repair the 40 Highways within their District, and shall, subject to the Provisions

visions of this Act, as respects the Highways in each Parish within their District, perform the same Duties, have the same Powers, and be liable to the same legal Proceedings as the Surveyor of such Parish would have performed, had, and been liable to if this Act had
5 not passed.

18. Where Complaint is made to any Justice of the Peace that any Highway repairable by any Parish within the Jurisdiction of the Highway Board is out of Repair, the Justice shall issue Two Summons, the one addressed to the Highway Board and the other
10 to the Waywarden of such Parish, requiring such Board and Waywarden to appear before the Justices at some Petty Sessions, in the Summons mentioned, to be held in the Division where such Highway is situate; and at such Petty Sessions, unless the Board undertake to repair the Road to the Satisfaction of the Justices, or unless
15 the Waywarden deny the Liability of the Parish to repair, the Justices shall direct the Board to appear at some subsequent Petty Sessions to be then named, and shall either appoint some competent Person to view the Highway, and report to them on its State at such
other Petty Sessions, or fix a Day, previous to such Petty Sessions,
20 at which Two or more of such Justices will themselves attend to view the Highway.

At such last-mentioned Petty Sessions, if the Justices are satisfied, either by the Report of the Person so appointed, or by such View as aforesaid, that the Highway complained of is not in a State of
25 complete Repair, it shall be their Duty to make an Order on the Board limiting a Time for the Repair of the Highway complained of; and if such Highway is not put in complete and effectual Repair by the Time limited in the Order, the Justices in Petty Sessions shall appoint some Person to put the Highway into repair, and shall by
30 Order direct that the Expenses of making such Repairs, together with a reasonable Remuneration to the Person appointed for superintending such Repairs, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Board; and any Order made for the Payment of such Costs and
35 Expenses may be removed into the Court of Queen's Bench, in the same Manner as if it were an Order of General or Quarter Sessions, and be enforced accordingly.

All Expenses so directed to be paid by the Board in respect of the Repairs of any Highway shall be deemed to be Expenses incurred by the Board in repairing such Highway, and shall be
40 recovered accordingly.

The Highway Board may appear before the Justices at Petty Sessions by their District Surveyor or Clerk, or any Member of the Board.

[135.]

B 2

19. When

Proceedings
where Roads
out of
Repair.

Obligation to
repair is
disputed.

19. When, on the Hearing of any such Summons respecting the Repair of any Highway, the Liability to repair is denied by the Waywarden on behalf of his Parish, or by any Party charged therewith, the Justices shall direct a Bill of Indictment to be preferred, and the necessary Witnesses in support thereof to be subpoenaed, at the next Assizes to be holden in and for the said County, or at the next General Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Highway is situate, against the Inhabitants of the Parish, or the Party charged therewith, for suffering and permitting the said Highway to be out of Repair; and the Costs of such Prosecution shall be paid by such Party to the Proceedings as the Court before whom the Case is tried shall direct, and if directed to be paid by the Parish shall be deemed to be Expenses incurred by such Parish in keeping its Highways in repair, and shall be paid accordingly.

15

Expenses.

Expenses
how charged.

20. The Salaries of the Officers appointed for each District, and any other Expenses incurred by any Highway Board for the common Use or Benefit of the several Parishes within such District, shall be annually charged to a District Fund, to be contributed by and charged upon the several Parishes within such District in proportion to the Average of the Expenditure incurred during the Three last preceding Year in such Parishes respectively in maintaining and keeping in repair the Highways thereof; but the Expenses of maintaining and keeping in repair the Highways of each Parish within the District, and all other Expenses in relation to such Highways, except such Expenses as are in this Act authorized to be charged to the District Fund, shall be a separate Charge on each Parish.

Mode of
defraying
Expenses.

21. For the Purpose of obtaining Payment from the several Parishes within their District of the Sums due from them, the Highway Board shall order Precepts to be issued to the Overseers of the said Parishes, stating the Sum to be contributed by each Parish, and requiring the Overseers of such Parish, within a Time to be limited by the Precept, to pay the Sum therein mentioned to the Treasurer of the Board, and the Overseers shall comply with the Requisition of such Precept by paying the Sums to be contributed by their respective Parishes out of any Monies in their Hands applicable to the Relief of the Poor, but no Contribution required to be paid by any Parish at any One Time in pursuance of this Act shall exceed the Sum of Tenpence in the Pound, and the Aggregate of Contributions required to be paid by any Parish in any One Year in pursuance of this Act shall not exceed the Sum

30

35

40

Sum

Sum of Two Shillings and Sixpence in the Pound, except with the Consent of Four Fifths of the Ratepayers of the Parish in which such Excess may be levied, present at a Meeting specially called for the Purpose, of which Ten Days previous Notice has been given by the
5 Waywarden of such Parish, and then only to such Extent as may be determined by such Meeting: Provided, that in any Parish where, for a Period of not less than Seven Years immediately preceding the passing of this Act, it has been the Custom of the Surveyor of Highways for such Parish to levy a Highway Rate in respect of Property
10 not subject by Law to be assessed to Poor Rates, the Monies payable in pursuance of the Precept of the Highway Board shall not be paid by the Overseers, but may be raised and paid by the Waywarden of such Parish out of a Highway Rate, to be assessed and levied in manner and in respect of the Property in and in respect of which the
15 same would have been assessed and levied if this Act had not passed.

22. Where any Parish as defined by this Act, and in this Section called a Highway Parish, is not a Parish separately maintaining its own Poor, in this Section called a Poor Law Parish, the Highway Board shall issue their Precept or Precepts to the Overseers of the Poor
20 Law Parish, or of the several Poor Law Parishes if more than One, of which such Highway Parish forms Part, and in the Precept or Precepts so issued shall specify the Part or Parts of the Poor Law Parish or Poor Law Parishes constituting the Highway Parish in which the Sum required by the Board is to be levied, and if there be more than One
25 such Parish shall apportion among such Parts the Amounts to be levied in each Parish.

Provision where Parish as defined by Act not co-extensive with Parish maintaining its own Poor.

Where any Highway Parish is so situate that there are no Overseers to be found to whom the Precepts of the Board may be issued, or it is uncertain to what Overseers such Precepts should be issued, the
30 Precepts of the Highway Board shall be directed to the Waywarden of such Parish, and it shall be his Duty to levy the Sums therein required to be levied.

23. Subject to the above-mentioned Restrictions as to the Amount of Rates to be levied in pursuance of this Act, all Overseers or
35 other Persons to whom Precepts of a Highway Board are hereby directed or authorized to be issued shall have the same Powers, Remedies, and Privileges for and in respect of levying the Rates hereby authorized to be levied for making Payments to a Highway Board as they would have in the Case of levying ordinary Rates for the Relief
40 of the Poor.

Power to levy Rates.

24. If any Payments required to be made by the Overseers of any Parish, or other Persons authorized to levy Rates by this Act, of Monies due to a Highway Board is in arrear, it shall be lawful for

Mode of enforcing Payment to Board.

any Two Justices, on Application under the Hand of the Chairman for the Time being of such Board, to summon the said Overseers or other Persons to show Cause at Petty Sessions why such Payment has not been made; and the Justices at such Petty Sessions, after hearing the Complaint preferred on behalf of the Board, may, if they think fit, 5 cause the Amount of Payment in arrear, together with the Costs occasioned by such Arrear, to be levied and recovered from the said Overseers or other Persons or any of them, in like Manner as Monies assessed for the Relief of the Poor may be levied and recovered, and the Amount of such Arrear, together with the Costs aforesaid, when 10 levied and recovered, to be paid to the said Board.

Accounts.

Accounts to be made up to 25th March, and Statement to be published.

25. The Accounts of every Highway Board shall be made up and balanced to the Twenty-fifth Day of March in every Year, and for the Space of Seven clear Days immediately following shall be open for 15 the Inspection at the Office of the Clerk, or any other convenient Place, of every Ratepayer in the several Parishes within the District, between the Hours of Ten and Four; at the Expiration of such Time the Accounts shall be audited by such Board, and signed by the Chairman, on or before the Twenty-fifth Day of April; and such Board shall 20 cause a Statement showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable thereto in respect of the District Fund, and such other Particulars, and in such Form, as the Secretary of State may direct, as herein-after mentioned, to be printed and sent within Thirty Days after the 25 said Audit, by Post or otherwise, to each Member of the Board and to the Overseers of every Parish within the District; and the Clerk of the Board shall furnish a Copy of such Statement to any Ratepayer within the District on his Application, and on the Payment of a Sum not exceeding One Penny. 30

Appeal in respect of Account of Board.

26. Where a Waywarden or any Ratepayer of any Parish is of opinion that the Amount charged to his Parish for maintaining and keeping the Highways therein, or in respect of the other Expenses in relation to such Highways, is more than the Sum that has actually been expended in his Parish, or than ought to have been charged 35 thereto, he may appeal to the Justices assembled at any Court of General or Quarter Sessions held within the Period of Four Months from the Time at which the Accounts were audited by the Board, but no such Appeal shall be entertained unless Notice of the Inten- 40 tion to appeal, specifying the Amount complained of, is given to the Board by the Appellant in Writing under his Hand within Fourteen Days after the Statement of such Accounts shall have been sent to the Overseers of such Parish.

On

On the Hearing of such Appeal the Court may rectify the Accounts complained of, and may also rectify the Sum to be contributed to the Common Fund, and calculated on the Expenditure complained of.

If the Appellant is successful the Costs shall, unless the Court otherwise orders, be paid by the Board, and shall be charged to the Parishes within the Jurisdiction of the Board other than the Parish to which Appellant belongs, in the same Proportions in which such Parishes contribute to the Common Fund of the Board.

If the Appellant is unsuccessful the Board, if the Waywarden be the Appellant, may charge the Costs of the Appeal to the Parish to which the Appellant belongs, in the same Manner as if they were Expenses incurred in repairing the Roads in such Parish, and may levy the Sum accordingly, and may carry the Sum so levied to the Account of the several Parishes within the Jurisdiction of the Board other than the Parish to which the Appellant Waywarden belongs, in the same Manner as if they were Expenses contributed by such Parishes to the Common Fund of the Board; but if some Ratepayer other than the Waywarden is the Appellant the Court may order the Costs of the Appeal to be paid by such Appellant, and such Costs shall be recoverable in the same Manner as a Penalty is recovered under this Act.

27. The Clerk to every Highway Board shall, within such Thirty Days after the said Audit, transmit such Statement to One of Her Majesty's Principal Secretaries of State; and any such Clerk who shall not within the Time aforesaid transmit the said Statement to the said Secretary of State shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, be liable to a Penalty not exceeding Ten Pounds.

Statement to be sent to Secretary of State.
Penalty for Neglect.

28. The Secretary of State shall cause the Statements so transmitted to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament, with the other Statements in relation to Highways required to be abstracted and laid before Parliament by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Thirty-five.

Abstract of Statements to be laid before Parliament.

29. It shall be lawful for One of Her Majesty's Principal Secretaries of State to cause to be prepared such Forms for such Statement as he may from Time to Time deem suitable, and also from Time to Time to alter the Forms for the annual Statement prescribed by the said Act of the Twelfth and Thirteenth Years of Her Majesty, but no Statement shall be transmitted under that Act concerning Parishes wholly within a Highway District under this Act.

Secretary of State may cause Form of Statement to be prepared.

Quarterly
Account to
be sent to
Overseers.

30. The Highway Board shall, at the End of each Quarter deliver or send in a prepaid Letter to the Overseers of every Parish an Account of the Expenses of maintaining and keeping in repair the Highways within their respective Parishes during the preceding Quarter.

5

Supplemental Provisions.

Provision as
to Extra-
parochial
Places.

31. Where in pursuance of an Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter Nineteen, and intituled "An Act for the Relief of the Poor in Extra-parochial Places," any Place is declared to be a Parish, or where Overseers of 10 the Poor are appointed for any Place, such Place shall be deemed to be a Parish separately maintaining its own Highways; and where in pursuance of the same Act any Place is annexed to any adjoining Parish, or to any District in which the Relief of the Poor is administered under a Local Act, such Place shall be deemed to be annexed 15 to such Parish or District for the Purposes of the Maintenance of the Highways, as well as for the Purposes in the said Act mentioned.

CLAUSE A.
Provision
for outlying
Part of
Parishes.

32. Where Part of a Parish is not contiguous to the Parish of which it is a Part, such outlying Part may at the Discretion of the Justices be annexed to a District, and, when so annexed, it shall, for 20 all the Purposes of the Highway Acts, be deemed to be a Parish separately maintaining its own Highways.

Expenses of
Repair of
Highways
may be re-
covered from
Party liable
to repair
ratione
tenuræ.

33. Where any Highway which any Body Politic or Corporate or Person is liable to repair by reason of Tenure of any Land, or otherwise howsoever, shall be adjudged in the Manner provided by 25 the Principal Act to be out of Repair, the Highway Board of the District in which such Highway is situate may, if they see fit, direct their Surveyor to repair the same, and the Expenses to be incurred in such Repair shall be paid by the Party liable to repair as aforesaid; and it shall be lawful for any Justice, upon the 30 Application of any Person authorized in this Behalf by the Highway Board, to summon the Party liable to pay such Expenses to appear before Two Justices at a Time and Place to be named in such Summons, and upon the Appearance of the Parties, or in the Absence of either of them, it shall be lawful for such Justices to 35 hear and determine the Matter, and make such Order, as well as to Costs or otherwise, as to them may seem just.

Highways
repairable
ratione te-
nuræ may be
made repair-
able by the
Parish.

34. Where any Person or Corporation is liable, by reason of Tenure of Lands or otherwise, to repair any Highway situate in a Highway District, the Person or Corporation so liable may apply to 40 any Justice of the Peace for the Purpose of making such Highway a Highway to be repaired and maintained by the Parish in which the same

same is situate; and such Justice shall thereupon issue Summonses requiring the Waywarden of such Parish, the District Surveyor, and the Party so liable to repair such Highway as aforesaid, to appear before Two or more Justices in Petty Sessions assembled, and the

5 Justices at such Petty Sessions shall proceed to examine and determine the Matter, and shall, if they think fit, make an Order under their Hands that such Highway shall thereafter be a Highway to be thereafter repaired and maintained by the Parish, and shall in such Order fix a certain Sum to be paid by such Person or Corporation to the

10 Highway Board of the District, in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway; and in default of Payment of such Sum the Board may proceed for the Recovery thereof in the same Manner as for the Recovery of Penalties or Forfeitures recoverable under this Act: Provided

15 always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway exceeds Fifty Pounds, the same, when received, shall be invested in the Name of the Highway Board of the District in some Public Government Securities, and the Interest and Dividends

20 arising therefrom shall be applied by such Board towards the Repair and Maintenance of the Highways within the Parish in which such Highway is situate; but when such Sum does not exceed Fifty Pounds the same or any Part thereof, at the Discretion of such Highway Board, shall from Time to Time be applied by such Board

25 towards the Repair and Maintenance of the Highways within such Parish: Provided that any Person aggrieved by any Order of Justices made in pursuance of this Section may appeal to a Court of General or Quarter Sessions holden within Four Months from the Date of such Order; but no such Appeal shall be entertained unless the

30 Appellant has given to the other Party to the Case a Notice in Writing of such Appeal, and of the Matter thereof, within Fourteen Days after such Order, and Seven clear Days at the least before such Sessions, and has entered into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned to appear at the

35 said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as may be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order thereon,

40 with or without Costs to either Party, as to the Court may seem meet:

From and after the making of such Order by the Justices, or by the Court on Appeal, as the Case may require, such Highway shall be repaired in like Manner and at the like Expense as other Highways which such Parish is liable to repair.

Provision as
to Roads laid
out.

35. Where the Inhabitants of any Parish are desirous of undertaking the Repair and Maintenance of any Driftway, or any private Carriage or Occupation Road, within their Parish, in return for the Use thereof, the District Surveyor may, at the Request of the Inhabitants of such Parish assembled in a Vestry duly convened for 5 the Purpose, apply to the Justices in Petty Sessions to declare such Driftway or Road to be a public Highway repairable at the Expense of the Parish; and upon such Application being made it shall be lawful for the Justices in the Case of a Driftway to declare the same to be a public Carriage Road repairable at the Expense of 10 the Parish, and in the Case of a private Carriage or Occupation Road to direct a Notice in Writing to be put up in any Part of such Road, declaring the whole or any Length thereof to be a Highway repairable at the Expense of the Parish; and after the Expiration of Three Months from the Date of such Notice being so put up the 15 Road in respect of which such Notice is given shall become a Highway repairable at the Expense of the Parish, subject to the Proviso that if at any Time within the said Period of Three Months any Proprietor of such Road, by Notice in Writing served on the Highway Board, objects to the same being made a Highway, the Notice 20 put up by Order of the Justices shall not be of any Force, and the Road shall not become a Highway repairable by the Parish.

CLAUSE B.
Provisions
for Discon-
tinuance of
Maintenance
of unneces-
sary High-
ways.

36. When any Highway Board consider any public Carriageway within their District unnecessary for public Use, they may direct their Surveyor to apply to Two Justices to view the same, and shall 25 authorize him to pay all Expenses attending such View, and thereupon the like Proceedings shall be had as in the Case where Application is made under the said Act of the Fifth and Sixth Years of King William the Fourth, Chapter Fifty, to procure the stopping up of any Highway, save only that the Order to be made thereupon, 30 instead of directing the Highway to be stopped up, shall direct that the same shall cease to be a Highway which the Parish is liable to repair, and the Liability of the Parish shall cease accordingly; and for the Purpose of such Proceedings under this Enactment, such Variation shall be made in any Notice, Certificate, or other Matter 35 preliminary to the making of such Order as the Nature of the Case may require: Provided always, that if at any Time thereafter, upon Application of any Person interested in the Maintenance of such Highway, after One Month's previous Notice in Writing thereof to the Clerk of the Highway Board for the District in which such 40 Highway is situate, it appear to any Court of General or Quarter Sessions of the Peace that, from any Change of Circumstances since the Time of the making of any such Order as aforesaid under which the Liability of the Parish to repair such Highway has ceased, the same

same has become of public Use, and ought to be kept in repair by the Parish, they may direct that the Liability of the Parish to repair the same shall revive from and after such Day as they may name in their Order, and such Liability shall revive accordingly as if the first-
 5 mentioned Order had not been made; and the said Court may by their Order direct the Expenses of and incident to such Application to be paid as they may see fit.

37. No Toll shall be demanded by virtue of any Act of Parliament on any Turnpike Road from the Surveyor of a Highway
 10 Board when executing or proceeding to execute his Duties as such Surveyor, and all Provisions applicable to the Exemptions in the Act of the Third Year of King George the Fourth, Chapter One hundred and twenty-six, shall apply to the Case of the Exemptions conferred by this Enactment.

Surveyor of Highway Board exempted from Turnpike Tolls.

38. No Justice of the Peace shall act as such in any Matter in which he has already acted as a Member of the Highway Board,
 15 and in which the Decision of such Board is appealed against.

Limiting Jurisdiction of Justices.

39. Any Highway District formed under this Act may, from Time to Time, be altered by the Addition of any Parishes or
 20 the Subtraction therefrom of any Parishes, and new Highway Districts may be formed by the Union of any existing Highway Districts or any Parishes forming Part of any existing Highway Districts, or any Highway District may be dissolved; but any such Alteration of existing Districts, or Formation of new Dis-
 25 tricts, or Dissolution of any District, shall be made by Provisional and Final Orders of the Justices, and be approved by One of Her Majesty's Principal Secretaries of State, in the same Manner as is required in the Case of a Highway District originally formed under this Act; and all the Provisions of this Act with respect
 30 to the Formation of Highway Districts and Provisional and Final Orders of Justices, and the Notices to be given of and previously to the making of such Orders, and all other Proceedings relating to the Formation of Highway Districts, shall, in so far as the same are applicable, extend to such Alteration of existing or
 35 Formation of new Districts, or Dissolution of Districts, as is mentioned in this Section; and in addition thereto Provision shall be made, if necessary, in any Orders of Justices made under this Section for the Adjustment of any Matters of Account arising between Parishes or Parts of Districts in consequence of the Exercise of the
 40 Powers given by this Section. Where any Highway District is dissolved, or where any Parish is excluded from any Highway District, the Highways in such District or Parish shall be maintained,
 [135.] D and

and the Provisions of the Principal Act in relation to the Election of Surveyors and to all other Matters shall apply to the said Highways, in the same Manner as if such Highways had never been included within the Limits of a Highway District.

Provision
in case of
Failure of
Board to
hold First
Meeting.

40. If any Highway Board make default in holding its First 5
Meeting in pursuance of this Act, such Board shall not thereupon
become disqualified from acting, but the Justices in General or
Quarter Sessions shall, on the Application of any Persons liable
to pay Highway Rates within the District, make such Order as
they think fit for the holding of such Board at some other Time, 10
and any Order so made shall be deemed to be an Order capable of
being removed into the Court of Queen's Bench, in pursuance
of the Act passed in the Session holden in the Twelfth and
Thirteenth Years of the Reign of Her present Majesty, Chapter
Forty-five, and may be enforced accordingly, and the Costs of any 15
Application to the Court of Quarter Sessions in pursuance of this
Section shall be defrayed in such One or more of the Modes following
as the Justices think just; that is to say, if it appear to the Justices
that any Member or Officer of the Board is responsible for the
Default of the Board, by such Person; in all other Cases (unless 20
the Justices for some special Reasons order the same to be paid by
the Applicants), out of the District Fund of the Board.

Reservation
of Right to
adopt Local
Government
Act.

41. Any Parish or Part of a Parish included in a Highway 25
District may adopt the Local Government Act in the same
Manner and under the same Circumstances in and under which it
might have adopted the same if it had not been included in such
District; and upon such Adoption being made such Parish or Part
of a Parish shall cease to form Part of such District, subject never-
theless to the Payment of any Contribution that may at the Time
of such Adoption be due from such Parish or Part of a Parish to the 30
Highway Board.

Application of Principal Act.

Construc-
tion of
Principal
Act and
this Act.

42. The following Regulations shall be observed with respect to
the Construction of the Principal Act and this Act:

1. This Act shall be construed as One with the Principal Act so 35
far as is consistent with the Provisions of this Act:
2. The Ninth Section of the Principal Act, whereby it is enacted
that a Surveyor may be appointed by the Inhabitants of a
Parish with a Salary, shall not apply to any Parish within
any District formed under this Act: 40
3. The

3. The Tenth Section of the Principal Act, whereby it is enacted that the Surveyor or Surveyors at the Time of passing his or their Accounts as therein mentioned shall deliver to the Justices a Statement in Writing of the Name and Residence of the Person or Persons appointed to succeed him or them as a Surveyor or Surveyors, shall not apply to any Parish within any District formed under this Act :
4. The Thirteenth, Fourteenth, Fifteenth, Sixteenth, and Seventeenth Sections of the Principal Act, providing for the Formation of Parishes into Districts, and the Eighteenth and Nineteenth Sections of the Principal Act, providing for the Appointment of a Board in large Parishes, shall not apply to any Parish within any District formed under this Act :
5. The Penalty imposed by Section Twenty of the Principal Act on the Surveyor for Neglect of Duty shall not apply to a Highway Board constituted under this Act :
6. Any Summons or Notice, or any Writ or any Proceeding, at Law or in Equity, requiring to be served upon the Board, may be served by the same being left at or transmitted through the Post in a pre-paid Letter directed to the Office of the Board, or being given personally to the District Surveyor or Clerk of the Board.
7. The Thirty-fifth Section of the Principal Act, whereby it is provided that the Ratepayers of any Parish may divide amongst themselves the Carriage of Materials in manner therein mentioned, shall not apply to any Parish within any District formed under this Act :
8. The Thirty-ninth, Fortieth, Forty-third, Forty-fourth, and Forty-fifth Sections of the Principal Act relating to the Accounts of Surveyors shall not apply to the Highway Board of any District formed under this Act.

43. On the Formation of a Highway District the following Regulations shall be enacted with respect to the Surveyors and the Highway Board :

1. No Surveyor shall be appointed under the Principal Act for any Parish within such District :
2. The outgoing Surveyor of every Parish within the District shall continue in Office until Seven Days after the Appointment of the District Surveyor by the Highway Board of the District of such outgoing Surveyor, and no longer ; and he may recover any Highway Rate made and then remaining unpaid, in the same Manner as if this Act had not been passed, and the Money so recovered shall be applied, in the first place, in reimbursing any Expenses incurred by him as such Surveyor

Relative
Duties of
outgoing
Surveyors
and High-
way Board.

veyor, and in discharging any Debts legally owing by him on account of the Highways within his Jurisdiction, and the Surplus (if any) shall be paid by him to the Treasurer of the Highway Board; and he shall be entitled to receive from the Highway Board any Sum not exceeding Five Pounds, 5 which on the Allowance of his Accounts shall be found to be due to him as such Surveyor after the Collection and Expenditure of the whole of the Highway Rate made in such Parish during the last Year :

3. The Highway Board shall, for all the Purposes of the Principal Act except that of levying Highway Rates, be deemed to be the Successor in Office of the Surveyor of every Parish within the District.

CLAUSE C.
Provisions
of Principal
Act to be
applicable to
Highways
under Local
or Personal
Acts.

44. All the Provisions of the Principal Act for widening, diverting, and stopping up Highways shall be applicable to all Highways which 15 now are or may hereafter be paved, repaired, or cleansed under or by virtue of any Local or Personal Act or Acts of Parliament, or which may be situate within the Limits of any such Act or Acts.

CLAUSE D.
Enabling
Councils of
certain
Boroughs to
adopt Parish
Roads and
Highways,
and to apply
Rates for
their Repair.

45. Whereas there are in certain Boroughs in England and Wales Roads and Highways that are now and have heretofore been repaired 20 by the Inhabitants of the several Parishes or Townships within which such Roads and Highways are situated, and who also contribute and pay to the General Rates levied for the Repair of the public Streets, Roads, and Highways maintained and kept in repair by the Council of such Boroughs, by reason whereof a great Burthen is imposed 25 upon the Ratepayers of the said Parishes and Townships; and it being doubtful whether the Council of such Boroughs have the Power to adopt such Parish Roads and Highways, or to apply the Rates collected in such Boroughs in repairing the same: Be it enacted, That it shall and may be lawful for the Council of every such 30 Borough in England and Wales, upon the Petition of the Majority of the Ratepayers of such Parishes or Townships present at a Public Meeting duly convened, to adopt all or any of such Parish Roads and Highways as the Council shall in its Discretion consider advisable, and to apply the Rates levied and collected by the said Council for 35 the Repair of the public Streets, Roads, and Highways within such Borough in repairing and maintaining such Parish Roads and Highways: Provided always, that it shall be competent for such Council, previous to adopting such Parish Roads and Highways, to require the Provisions contained in any Local Act applying to the public 40 Streets, Roads, and Highways of such Borough to be complied with.

46. All

46. All Penalties under this Act, and all Monies recoverable as Penalties, may be recovered summarily before any Two or more Justices in the Manner directed by the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, and any Act amending the same; but where any Sum adjudged to be paid under this Act in respect of such Penalties or Monies exceeds Five Pounds, an Appeal may be had by any Person aggrieved to a Court of General or Quarter Sessions in manner provided by the One hundred and sixth Section of the Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Ninety-six, intituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences."

Recovery of
Penalties.

SCHEDULE.

Proceedings of Highway Boards.

- (1.) The Board shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Board, as they think fit, subject to the following Conditions :
 - (a.) The First Meeting shall be held at the Time and Place fixed by the Order of the Justices in that Behalf :
 - (b.) Not less than Four Ordinary Meetings shall be held in each Period of Twelve Months :
 - (c.) An Extraordinary Meeting may be summoned at any Time on the Requisition of Three Members of the Board addressed to the Clerk of the Board :
 - (d.) The Quorum to be fixed by the Board shall consist of not less than Three Members :
 - (e.) All Questions shall be decided by a Majority of Votes of the Members present :
 - (f.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.
- (2.) The Board shall, at their First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board, as hereafter mentioned, appoint One of their Members to be Chairman and One other of their Members to be a Vice Chairman for the Year following such Choice.
- (3.) If any casual Vacancy occur in the Office of Chairman or Vice Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy ; and every such Chairman or Vice Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

(4.) If

- (4.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Vice Chairman shall be the Chairman of the Meeting, and if neither the Chairman nor Vice Chairman shall be present then the Members present shall choose some One of their Number to be Chairman of such Meeting.
- (5.) In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.
- (6.) All Orders of the Board for Payment of Money, and all Precepts issued by the Board, shall be signed by the Chairman for the Time being of the Meeting, and Two other Members of the Board, and countersigned by the Clerk.

FORM (A.)

NOTICE is hereby given, That at the Court of *General* or *Quarter* Sessions to be held on the _____ Day of _____ a Proposal will be made *to divide the County of Lincoln into Highway Districts* [or *to divide the Parts of Holland in the County of Lincoln into Highway Districts*, or *to constitute the County of Rutland a Highway District*, or *to constitute the Parishes of Alford, Castle Carey, and Lomington in the County of Somerset a Highway District*].

FORM (B.)

WHEREAS at a Court of *General* or *Quarter* Sessions, held on the _____ Day of _____ last, a Provisional Order was made in the Words following; that is to say, [*here set out the Provisional Order*]

Notice is hereby given, that the Confirmation of the said Provisional Order by a Final Order will be taken into Consideration by the Justices at the Court of *General* or *Quarter* Sessions, to be held on the _____ Day of _____ next.

Highways.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE
AND IN COMMITTEE]

For the better Management of Highways
in England.

(Prepared and brought in by
Sir George Grey and Mr. Clive.)

Ordered, by The House of Commons, to be Printed,
25 May 1862.

[Bill 135.]

Under 4 oz.

LORDS AMENDMENTS

TO THE

HIGHWAYS BILL.

Note.—*The Page and Line refer to the Bill (93.) as printed by the Lords.*

Page 1.

- Line 14. After (“Franchises”) insert (“except the Liberty of
“ Saint Albans which shall be considered a County,
“ and ”)

Page 2.

- Line 4. After (“Highways”) insert (“The Expressions “High-
“ way District” and “Highway Board” shall refer
“ only to Highway Districts formed and Highway
“ Boards constituted in pursuance of this Act”)
- Line 21. After (“District”) insert (“and also require the
“ Clerk of the Peace to send by Post in a prepaid
“ Letter Notices in the aforesaid Form to the
“ Churchwardens or Overseers of every Parish
“ mentioned in the said Notice”)
- Line 30. Leave out from (“Sessions”) to the End of the Clause
and insert (“Provided that when it is proposed
“ that only a Part of a County shall be divided into
“ a Highway District not less than Two out of the
“ Five Justices making such Proposal shall be
“ resident in the said District”)
- Line 37. After (“Sessions”) insert (“to be held within a Period
“ of not more than Six Months”)

Page 3.

- Line 30. After (“in”) insert (“the London Gazette and in”)
- Line 36. After (“the”) insert (“Date of the”)
- Line 37. Leave out from (“considered”) to the End of the
Clause.

Page 4.

- Line 21. After (“Act”) insert (“or may be within Six Months
“ afterwards”)

[Bill 206.]

A

Page

Page 5.

Line 32. After ("District") insert ("or within any Borough
" situate within or adjoining to any such District")

Page 8.

Line 8. Leave out from ("unless") to the End of the Clause
and insert ("Notice in Writing has been sent to
" every Member of the Board")

Line 13. Leave out ("any") and insert ("the same")

Line 19. Leave out ("incur") and insert ("be liable to")

Page 9.

Line 8. After ("passed") insert ("it shall be the Duty of the
" District Surveyor to submit to the Board at their
" First Meeting in every Year an Estimate of the
" Expenses likely to be incurred during the ensuing
" Year for maintaining and keeping in repair the
" Highways in each Parish within the District of the
" Board, and to deliver a Copy of such Estimate, as
" approved or modified by the Board, so far as the
" same relates to each Parish, to the Waywarden of
" such Parish")

Line 10. Leave out ("repairable by any Parish")

Line 13. Leave out the First ("such") and insert ("the"), and
after ("Parish") insert ("liable to the Repair of
" such Highway")

Page 11.

Line 41. Leave out ("Payments") and insert ("Payment")

Page 14.

Line 5. After ("Quarter") insert Clause (A.)

CLAUSE (A.) All Officers appointed by the Highway Board shall,
as often as required by them, render to them, or to such Persons
as they appoint, a true, exact, and perfect Account, in Writing under
their respective Hands, with the proper Vouchers, of all Monies
which they may respectively to the Time of rendering such Accounts
have received and disbursed on account or by reason of their
respective Offices; and in case any Money so received by any such
Officer remains in his Hands the same shall be paid to the Board,
or to such Person or Persons as they in Writing under their
Hands empower to receive the same; and if any Officer refuses or
wilfully neglects to render and give such Account, or to deliver
up

up such Vouchers, or, for the Space of Fourteen Days after being thereunto required by the Board, refuses or wilfully neglects to give up to them, or to such Person or Persons as they appoint, all Books, Papers, Writings, Tools, and Things in his Hands, Custody, or Power relating to the Execution of his Office, it shall be lawful for any Justice of the Peace for the County where the Officer so making default is or resides, upon Application made to him for that Purpose by or on behalf of the Board to make Inquiry of and concerning any such Default as aforesaid in a summary Way, as well by the Confession of the Party as by the Testimony of any credible Witness or Witnesses upon Oath, and by Warrant under his Hand and Seal to cause such Money as may appear to him to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to him the Overplus (if any), on Demand, after Payment of the Money remaining due, and deducting the Charges and Expenses of making such Distress and Sale; and if sufficient Distress cannot be found, or if it appears to any such Justice in manner aforesaid that any such Officer has refused or wilfully neglected to give such Account, or to deliver up all Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power relating to the Execution of his Office, the Justice shall commit him to the House of Correction or Common Gaol of the County where such Offender is or resides, there to remain, without Bail, until he gives a true and perfect Account, and verifies the same in manner aforesaid, and produces and delivers up the Vouchers relating thereto, and pays the Money (if any) remaining in his Hands as aforesaid according to the Direction of the Board, or has compounded with the Board for such Money and paid such Composition (which Composition the Board are hereby empowered to make and receive), or until he delivers up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or has given Satisfaction to the Board concerning the same; but no Officer who may be committed on account of his not having sufficient Goods and Chattels as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Line 11. After (" shall ") insert (" for the Purposes of this
" Act ")

Line 15. After (" shall ") insert (" for the Purposes of this
" Act ")

Page 15.

Line 43. Leave out (" other ")

Line 44. Leave out (" such ") and insert (" a ")

[206.]

A 2

Page

Page 16.

- Line 6. After (" Purpose ") insert (" and with the Consent in
" Writing of the Owner and the Occupier of every
" Part thereof ")
- Line 7. Leave out (" repairable ") and insert (" to be repaired ")
- Line 9. Leave out (" in the Case of a Driftway ")
- Line 10. Leave out (" repairable ") and insert (" to be repaired ")
- Line 11. Leave out from (" Parish ") to the End of the Clause.
Leave out Clause 36.

Page 17.

- Line 19. After (" Parishes ") insert (" in the same or in any
" adjoining County ")
- Line 22. After (" Districts ") insert (" in the same or in any
" adjoining County ")
- Line 26. Leave out from (" Justices ") to (" and ") in Line 29.
- Line 40. After (" Section ") insert (" Where any Parish is added
" to or any District united with any District in
" another County, the final Order of the Justices of
" the County in which such Parish or District is
" situate shall not be confirmed by them until they
" shall have received the Approval of their Pro-
" visional Order for such Addition or Union from
" the Justices of the County in which the District
" is situate to or with which such Addition or Union
" is to be made ")

Page 18.

- Line 17. Leave out from (" defrayed ") to (" out ") in Line 22.

Page 20.

- Line 18. After (" Acts ") insert (" except Highways which any
" Railway Company, or the Owners, Conservators,
" Commissioners, Trustees, or Undertakers of any
" Canal, River, or Inland Navigation, are liable by
" virtue of any Act of Parliament relating to such
" Railway, Canal, River, or Inland Navigation to
" make, maintain, repair, or cleanse ")

Page 21.

- Line 2. Leave out (" repairable ") and insert (" to be repaired ")
- Line 6. After (" situate ") insert (" in the Case of a Place
" within the Jurisdiction of a Highway Board, and
" in the Case of any other Place with the Consent of
" the Surveyor or other Authority having Juris-
" diction over the Highway ")
-



A

B I L L

TO

Authorize the Inclosure of certain Lands in
pursuance of a Report of the Inclosure Com-
missioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned
5 in the Schedule to this Act, and have in their Seventeenth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords
10 Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Inclosures
in Schedule
may be pro-
ceeded with.

2. In citing this Act in other Acts of Parliament and in legal
15 Instruments it shall be sufficient to use either the Expression "The Annual Inclosure Act, 1862," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

Short Title.

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Kirkoswald - - -	Cumberland - -	25th April 1861.
Crane Mead and Amwell Marsh	Hertford - -	10th August 1861.
Llanfechell Mountain - -	Anglesey - - -	14th November 1861.
Huntingfield Manor - -	Suffolk - - -	12th December 1861.
Chigwell - - -	Essex - - -	9th January 1862.
Wouldham - - -	Kent - - -	9th January 1862.
Thingwall - - - -	Chester - -	12th December 1861.
Plenmeller Common - -	Northumberland -	15th January 1862.
Barking Common Allotments -	Essex - - -	25th January 1862.
Dagenham Common Allotments	Essex - - -	25th January 1862.

21 May 1862. 25 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Authorize the Inclosure of certain Lands in
pursuance of a Report of the Inclosure Com-
missioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Seventeenth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with: Provided always, that the Provisional Order of the Inclosure Commissioners for England and Wales, dated the Ninth Day of January One thousand eight hundred and sixty-two, regarding the Parish of Chigwell, shall be and hereby is amended, to the Effect that Fifty Acres at or near the Spot marked
- Inclosures in Schedule may be proceeded with. Proviso as to Chigwell.
- [Bill 130.] A.

A. on the Plan thereto annexed be allotted for the Purposes of Exercise and Recreation.

Short Title.

2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression “The Annual Inclosure Act, 1862,” or “The Acts for the Inclosure, Exchange, and Improvement of Land.” 5

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Kirkoswald - - -	Cumberland - -	5th April 1861.
Crane Mead and Amwell Marsh	Hertford - - -	10th August 1861.
Llanfechell Mountain - -	Anglesey - - -	14th November 1861.
Huntingfield Manor - -	Suffolk - - -	12th December 1861.
Chigwell - - - -	Essex - - - -	9th January 1862.
Wouldham - - - -	Kent - - - -	9th January 1862.
Thingwall - - - -	Chester - - - -	12th December 1861.
Plenmeller Common - -	Northumberland -	15th January 1862.
Barking Common Allotments -	Essex - - - -	25th January 1862.
Dagenham Common Allotments	Essex - - - -	25th January 1862.

27 June 1862. 25 & 26 VICT.



A

B I L L

TO

Authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of “The Acts for the Inclosure, Exchange, and Improvement of Land,” issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Seventeenth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Preamble.
Inclosures
in Schedule
may be pro-
ceeded with.

[Bill 174.]

2. In

Short Title. 2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1862," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Ceulan-y-maesmawr and Llan-cynfelin.	Cardigan -	12th December 1861.
Llanfihangel Geneurglyn -	Cardigan -	12th December 1861.
Scyborycoed -	Cardigan -	12th December 1861.
Lamburne common -	Cornwall -	5th March 1862.
Boscombe -	Wilts -	5th March 1862.
Blythburgh Fen -	Suffolk -	13th March 1862.
Swydd Neithon -	Radnor -	15th May 1862.
Iscoed -	Radnor -	15th May 1862.
Norton -	Stafford -	15th May 1862.
Great Burstead -	Essex -	9th May 1861.
Stapleford Abbots, Lambourne, and Dagenham.	Essex -	5th June 1862.
West Bergholt -	Essex -	5th June 1862.
Datchworth and Knebworth -	Hertford -	5th June 1862.
Berkhamsted Saint Mary, otherwise Northchurch.	Hertford -	5th June 1862.
Warlingham -	Surrey -	15th May 1862.

10 February 1862. 25 VICT.



A

B I L L

TO

Provide for the Registration and Transfer of India
Stocks at the Bank of Ireland, and for the
mutual Transfer of such Stocks from and to the
Banks of England and Ireland respectively.

WHEREAS by an Act passed in the Session holden in the Preamble.
Twenty-third and Twenty-fourth Years of the Reign of Her
present Majesty, Chapter One hundred and two, the Secre-
tary of State in Council of India was authorized from Time to Time
5 to make such Arrangements with the Governor and Company of the
Bank of England as should be deemed expedient for the Payment of
Debts and Obligations of the Government of India, and of the Interest
thereon, and for the Creation and Registration and for the Transfer
of and the Payment of Interest on any Stock into which any such
10 Obligations might be convertible: And whereas certain Arrange-
ments have been made under the Authority of the said Act, and
in pursuance of such Arrangements the Stocks in certain Loans
secured by and chargeable on the Revenues of India, and the
Transfers thereof, are registered at the Bank of England, and the
15 Dividends thereon are paid at such Bank: And whereas it is
[Bill 5.] A expedient

expedient that Provision should be made so as to enable the Transfer of Stock raised in the United Kingdom on the Credit of the Revenues of India to the Bank of Ireland, and for the Registration and Transfer of and the Payment of Dividends on such Stock so transferred at such last-mentioned Bank : And whereas it is expedient 5 to make Provision for the mutual Transfer of such Stock from and to the Bank of England and the Bank of Ireland respectively : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 10 by the Authority of the same, as follows :

Interpre-
tation of
Expression
"India
Stock."

1. In this Act the Expression " India Stock " means Stock created or to be created for the raising of Money in the United Kingdom on the Credit of the Revenues of India, but does not include the Stock commonly known by the Name of East India Stock. 15

East India
Loan Stock
may be trans-
ferred from
the Books of
the Bank of
England to
the Books of
the Bank of
Ireland.

2. From and after the *first Day of* *One thousand eight hundred and sixty-two* it shall and may be lawful for any Person or Persons holding any India Stock transferable at the Bank of England, upon making Application in the Manner herein- 20 after provided, to transfer or cause to be transferred such Stock, for the Purpose of having the same Amount of Stock of the same Denomination written into the Books of the Governor and Company of the Bank of Ireland, and to be transferable at such Bank ; and the Dividends on the Stock so transferred shall be payable half- 25 yearly at the Bank of Ireland on the same Days on which such Dividends would have been payable at the Bank of England if the said Stock had never been so transferred.

Assignments
or Transfers
of Stock so
transferred
may be made
at the Bank
of Ireland.

3. The several Stocks so transferred, or any Share or Interest therein, and the proportional Dividend attached thereto respectively, shall be assignable and transferable at the Bank of Ireland, as directed 30 by this Act, and not otherwise ; and there shall be kept at the Office of the Accountant General of the Bank of Ireland for the Time being within the City of Dublin a Book or Books wherein all Assignments or Transfers of any Part of the several Stocks and the pro- 35 portional Dividends attached thereto respectively shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent by his, her, or their Attorney or Attornies, thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested 40 by Two or more credible Witnesses, and the Person or Persons to whom any such Assignment or Transfer shall be made shall respectively underwrite his, her, or their Acceptance thereof ; and no other Method

Method of assigning or transferring any such Stock and the Dividend attached thereto, or any Interest therein, at the Bank of Ireland, shall be good and available in Law, and no Stamp Duties whatsoever shall be charged upon the said Assignments or Transfers or any of
5 them.

4. It shall and may be lawful for any Person or Persons holding any India Stock transferable at the Bank of Ireland, upon making Application in the Manner herein-after provided, to transfer or cause to be transferred such Stock, for the Purpose of having the same
10 Amount of Stock of the same Denomination written into the Books of the Governor and Company of the Bank of England, and to be transferable at such Bank.

East India Loan Stock may be transferred from the Books of the Bank of Ireland to the Books of the Bank of England.

5. Notwithstanding anything herein-before contained to the contrary, it shall not be lawful for any Person to make any Transfer
15 of any Stock from the Bank of England to the Bank of Ireland, or from the Bank of Ireland to the Bank of England, under the Provisions of this Act, at any Time within clear Days before the Day on which the Dividends on such Stock shall be payable, or within such other Period as the Governor and Company of the Bank
20 of England, in concurrence with the Governor and Company of the Bank of Ireland, may from Time to Time prescribe: Provided always, that no Sum of India Stock shall be written into the Books of the Governor and Company of the Bank of England or into the Books of the Governor and Company of the Bank of Ireland respectively at
25 any Time within clear Days before the Day on which the Dividend on such Stock shall be respectively payable.

No Transfer shall be made within a certain Period before the Dividend Days.

6. Any Person or Persons holding India Stock transferable at the Bank of England or at the Bank of Ireland respectively, and desiring to transfer the same so as to make such Stock transferable at the
30 Bank of Ireland or at the Bank of England respectively, shall apply in Writing, or cause Application in Writing to be made by some Person on his, her, or their Behalf, to the Governor and Company of the Bank of England or Bank of Ireland respectively at which such Stock shall be transferable, for Permission to transfer or cause to be
35 transferred such Stock for the Purpose of having the same Amount of Stock of the same Denomination written into the Books of the Governor and Company of the Bank of Ireland or into the Books of the Governor and Company of the Bank of England respectively, as the Case may require, and such Application shall be according to
40 such Form as shall be established by the Governor and Company of the Bank of England in concurrence with the Governor and Company of the Bank of Ireland, and shall be the same in all Cases, and upon

Application to be made to the Banks of England and of Ireland for Permission to transfer from the one to the other, and upon such Transfers being made Certificates to be granted.

[5.]

A 2

such

such Application having been made, and upon such Person or Persons transferring the Stock or causing the same to be transferred into the Name of the Accountant General of the Bank of England or Bank of Ireland, at which it shall be desired that such Stock shall be transferred, it shall and may be lawful for the Governor or Deputy 5 Governor of the Bank of England or for the Governor or Deputy Governor of the Bank of Ireland, as the Case may require, or for the Accountant General or Deputy Accountant of such Governor and Company, or for the Secretary or Deputy Secretary of such Governor and Company for the Time being, and they are hereby respectively 10 authorized and required to grant a Certificate to the Person or Persons making such Transfer, or on whose Behalf such Transfer shall have been made, directed to the Governor and Company of the Bank of Ireland or the Governor and Company of the Bank of England to which it shall be desired that such Stock shall be 15 transferred, and such Certificate shall be according to such Form as shall be established by the Governor and Company of the Bank of Ireland, and shall be the same in all Cases; and such Certificate shall state that the Person or Persons therein mentioned 20 has or have transferred or caused to be transferred at the Bank of England or the Bank of Ireland, as the Case may be, the Stock therein described, to the Accountant General of the Bank of England or the Bank of Ireland, as the Case may be, for the Purpose of having the Amount of such Stock written in the Name or Names 25 of such Person or Persons into the Books of the Governor and Company of the Bank of Ireland or of the Governor and Company of the Bank of England, as the Case may be, and shall describe such Stock, and specify the Amount thereof.

Notices of
Transfers to
be sent to
the Bank into
which the
Stock is to
be trans-
ferred.

7. In every Case where any Transfer for the Purposes of this Act 30 shall be made at the Bank of England the Governor and Company of the said Bank shall cause Notice thereof to be transmitted to the Governor and Company of the Bank of Ireland on the same Day on which such Transfer shall be made; and in like Manner in every Case where any Transfer for the Purposes of this Act shall be made 35 at the Bank of Ireland the Governor and Company of the Bank of Ireland shall cause Notice thereof to be transmitted to the Governor and Company of the Bank of England on the same Day on which such Transfer shall be made.

Books to be
provided for
entering
Transfers
under this
Act at the

8. In the Office of the Accountant General of the Governor and 40 Company of the Bank of England and of the Governor and Company of the Bank of Ireland respectively for the Time being a Book or Books shall be provided and kept, in which shall be fairly entered the

the Names of all Persons making any Transfer of any Stocks to the Accountant General of the said Banks respectively, under the Provisions of this Act, to which Book or Books it shall and may be lawful for all Persons making any such Transfer, their respective
 5 Executors, Administrators, and Assigns, from Time to Time and at all reasonable Times to resort, and to inspect the same, without any Fee or Charge.

Banks of England and Ireland respectively.

9. Whenever any Transfer shall be made of any Stock for the Purposes of this Act at the Bank of England or at the Bank of
 10 Ireland respectively, then and in every such Case, upon the Production of a Certificate of the Governor or Deputy Governor of the Bank of England or of the Governor and Company of the Bank of Ireland at which any such Transfer shall have been made, or of the Accountant General or Deputy Accountant, or of the Secre-
 15 tary or Deputy Secretary of such Governor and Company respectively, granted according to the Directions of this Act, the Governor and Company of the Bank of Ireland or the Governor and Company of the Bank of England respectively are hereby authorized and required to write or cause to be written into the Books of such Bank
 20 of Ireland or Bank of England respectively, as the Case may require, relating to Stock of the same Denomination, the Amount of Stock specified in such Certificate; and such Amount of Stock shall be written accordingly, transferable under the Provisions of this Act at the Bank of Ireland or Bank of England respectively, as the Case
 25 shall require, and shall be payable and transferable at such Bank of England or Bank of Ireland respectively; and every such Amount of Stock so written into the Books of the Bank of Ireland or of the Bank of England respectively shall be entitled to Interest or Dividend from the Day on which the last Dividend became due im-
 30 mediately previous to the Transfer of such Stock made under this Act, and up to which Day the Dividend or Interest on the Stock so transferred shall have been payable at the Bank where such Transfer shall have been made.

On Production of Certificate from the Bank where the Transfer is made, the Bank to which the Transfer is made shall write the Amount of Stock into their Books.

10. The Governor and Company of the Bank of England and
 35 the Governor and Company of the Bank of Ireland, upon making up their Books preparatory to the Payment of each and every half-yearly Interest or Dividend upon any Stocks transferable under this Act, shall certify to the Secretary of State in Council of India, or to such Officer or Officers as the Secretary of State in Council
 40 of India shall direct, the Amounts of such Stocks which shall then be written in the Books of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, and shall be transferable at such Banks respectively under the

Bank of England and of Ireland to certify to the Secretary of State in Council of India the Amount of Stock written in their Books prior to Dividend, and the Interest to be

paid to them
by the Secre-
tary of State
in Council.

Provisions of this Act; and upon the Receipt of such Certificates the Secretary of State in Council of India is hereby authorized and required to pay to the Governor and Company of the Bank of England and to the Governor and Company of the Bank of Ireland, or into the Bank of England to the Account of the Governor and Company of the Bank of Ireland, respectively, the Amount of all Interest or Dividends then being or becoming payable upon such Amounts of Stocks as are specified in such Certificates respectively. 5

Remunera-
tion for Ser-
vices under
this Act to
be paid to
the Bank of
Ireland.

11. *In addition to the Amount of Interest or Dividend which shall from Time to Time be paid to the Governor and Company of the Bank of Ireland under the last Provision, the Secretary of State in Council of India shall at the same Time pay to the Governor and Company of the Bank of Ireland, or to the Account of such Governor and Company at the Bank of England, as a Remuneration for their Services in the Execution of this Act, such Sum as shall from Time to Time be fixed as the Amount of such Remuneration under any Arrangement or Agreement to be made between the Secretary of State in Council of India and the Governor and Company of the Bank of Ireland.* 10 15

Duplicates
may be
granted of
Certificates
lost or
destroyed.

12. In case of the Loss or Destruction of any Certificate of the Governor or Deputy Governor, Accountant General, or Deputy Accountant, Secretary or Deputy Secretary of the Bank of England or of the Bank of Ireland respectively, granted for the Purposes of this Act, it shall and may be lawful for any such Governor or Deputy Governor, Accountant General or Deputy Accountant, Secretary or Deputy Secretary, and they are hereby respectively authorized and empowered, upon Proof of such Loss or Destruction to their Satisfaction, to grant a Duplicate of such Certificate, and such Duplicate shall be full and sufficient Authority for the Purposes of this Act, and shall stand in the Place and Stead of the original Certificate, if such original Certificate shall not have been previously found and acted upon: Provided always, that upon any Loss or Destruction or alleged Loss or Destruction of any such original Certificate, and on the Production of any such Duplicate Certificate, it shall and may be lawful for the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland respectively, and they are hereby authorized and required, to demand and take from the Party or Parties tendering any such Duplicate full and sufficient Security to Her Majesty, Her Heirs and Successors, to indemnify such Governor and Company against the Production of or any Claim which shall be made under or by virtue of any such original Certificate so lost or destroyed, or alleged to have been lost or destroyed; and if at any Time after the Time 20 25 30 35 40

Time when a duplicate Certificate shall have been produced and acted upon under this Act the Original of such Certificate shall be tendered to the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland, it shall and may be
 5 lawful for such Governor and Company and they are hereby authorized and required to detain such original Certificate, and to cancel the same, and to transmit the same so cancelled to the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland, as the Case may be, by or on whose Behalf such
 10 Certificate shall have been given, and to deliver up such Security as shall have been entered into touching the said original Certificate to the Party or Parties entering into such Security, or such of them as shall require the same.

13. If any Person or Persons shall forge or counterfeit, or cause or
 15 procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting any Certificate or duplicate Certificate required by this Act, or shall alter any Number, Figure, or Word therein, or shall utter or publish as true any such false, forged, counterfeited, or altered Certificate, with Intent to defraud the Governor
 20 and Company of the Bank of England or the Governor and Company of the Bank of Ireland, or any Body Politic or Corporate, or any Person or Persons whomsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or coun-
 25 terfeiting, or altering, uttering, or publishing as aforesaid, being convicted thereof in due Form of Law, shall be adjudged guilty of Felony.

Persons forging, &c. Certificates guilty of Felony.

14. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving any such
 30 Certificate or duplicate Certificate, or for paying Interest or Dividend, or for any Transfer of any Sum to be made in pursuance of this Act, upon Pain that any Officer or Person offending by taking or demanding any such Fee or Reward or Gratuity shall for every such Offence forfeit the Sum of *Twenty Pounds* to the Party aggrieved, with full
 35 Costs of Suit, to be recovered by Action of Debt, Bill, Complaint, or Information in any of Her Majesty's Courts of Record at Westminster or Dublin respectively.

No Fees to be taken for receiving any Certificates, &c. on Penalty of 20*l*.

India Stocks Transfer.

A

B I L L

To provide for the Registration and Transfer of India Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively.

(*Prepared and brought in by*
Sir Charles Wood and Mr. Baring.)

Ordered, by The House of Commons, to be Printed,
10 February 1862.

[Bill 5.]

Under 1 oz.

1 April 1862. 25 VICT.



A

B I L L

TO

Consolidate and amend the Laws relating to Industrial and Provident Societies.

WHEREAS by the Industrial and Provident Societies Act, Preamble.
1852, it is enacted, that it shall be lawful for any Number
of Persons to establish a Society under the Provisions
thereof and of the therein-recited Act, for the Purpose of raising by
5 voluntary Subscriptions of the Members thereof a Fund for attaining
any Purpose or Object for the Time being authorized by the Laws
in force with respect to Friendly Societies or by the said recited Act,
by carrying on or exercising in common any Labour, Trade, or
Handicraft, or several Labours, Trades, or Handicrafts, except the
10 working of Mines, Minerals, or Quarries beyond the Limits of the
United Kingdom of Great Britain and Ireland, and also except the
Business of Banking, whether in the said United Kingdom or else-
where; and that the said Act shall apply to all Societies already
established for any of the Purposes herein mentioned, so soon as they
15 shall conform to the Provisions hereof: And whereas by an Act
passed in the Eighteenth Year of Her present Majesty, Chapter
Forty, various Provisions were made for the better enabling legal
Proceedings to be carried on in any Matter concerning the Societies
formed under the said Act of 1852: And whereas the last-mentioned
20 Act was amended by an Act passed in the First Session of the
[Bill 68.] A Twentieth

Twentieth Year of Her present Majesty, Chapter Forty : And whereas various Societies have been formed and are now carrying on Business under the Provisions of the said recited Acts, and it is desirable to consolidate and amend the Laws relating to such Societies: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Repeal of
15 & 16 Vict.
c. 31.,
17 & 18 Vict.
c. 25., and
18 & 19 Vict.
c. 40.

1. The Industrial and Provident Societies Act, 1852, and the said recited Acts for the Amendment thereof, are hereby repealed from the Day of the *passing of this Act*.

The present
Act to apply
to all exist-
ing Indus-
trial and
Provident
Societies.

2. All Societies registered under the Industrial and Provident Societies Act, 1852, shall be taken to be registered under this Act on the *Day of the passing thereof*, and the Provisions of this Act shall apply to all Matters pending at the Date of the *passing thereof*, in relation to any such Societies, as if they had been originally registered thereunder.

Societies
may be es-
tablished for
attaining the
Objects of
Friendly So-
cieties Acts
by means of
joint Trade.

3. Any Number of Persons may establish a Society under the Provisions of this Act and the Act relating to Friendly Societies for the Time being; for the Purpose of raising by voluntary Subscriptions of the Members thereof a Fund for attaining any Purpose or Object for the Time being authorized by the Laws in force with respect to Friendly Societies or by this Act, by carrying on or exercising in common any Labour, Trade, or Handicraft, or several Labours, Trades, or Handicrafts, whether Wholesale or Retail, except the working of Mines, Minerals, or Quarries beyond the Limits of the United Kingdom of Great Britain and Ireland, and also except the Business of Banking, whether in the said United Kingdom or elsewhere; and this Act shall apply to any Societies already established for any of the Purposes herein mentioned, and not registered under the Industrial and Provident Societies Act, 1852, so soon as they shall conform to the Provisions hereof.

Rules of
Societies.

4. The Rules of any such Society shall provide,

1st. For allowing Payments to be made from Time to Time to all Members of the Society in respect of any Work or Service which they may do or perform for or on behalf of the same :

2d. Upon what Terms and Conditions (if any) Persons not Members of the Society shall be employed for or on behalf of the same; yet so that any Person not a Member of the Society who shall be employed for or on behalf of the same shall

shall receive in respect of any Work or Service done or performed by him on behalf of such Society, whether by way of Wages or otherwise, at least the same Amount or Value as if he were a Member of the Society :

5 3d. Whether or not any Loans shall be contracted with Persons
(whether Members of the Society or not) for the better
effecting the Purposes thereof, and how such Loans and
Interest thereon (if any) shall be secured ; yet so that the
10 Interest on any such Loan shall not exceed the Rate of
Six Pounds per Centum per Annum, and so that the total
Amount of Monies to be owing on Loan by the Society at
any One Time shall not exceed *Four* Times the Amount
of paid-up Subscriptions for the Time being ; and a
15 Declaration under the Hands of the Trustees of the Society,
certified by the Registrar of Friendly Societies, shall be
sufficient Evidence in that Behalf of the Amount of paid-up
Subscriptions :

4th. For the Receipt of Subscriptions from Persons, Members of
the Society, and for the Payment of Interest or Dividend
20 on such Subscriptions ; but so that no Interest or Dividend
shall be paid to any Member of the Society out of the
Capital of the same :

5th. For appropriating from Time to Time the net Proceeds of
any Trade, Labour, or Handicraft exercised or carried on
25 by the Society, after such Payments as herein-before men-
tioned, in the first place, to the Repayment of any Loans
made to the Society, or any Instalment thereof, and, subject
thereto, to all or any of the following Purposes, in such
Manner and Proportion as may be fixed by such Rules ; viz.
30 to the Increase of the Capital or Business of the Society ;
to such Purposes or any of them as shall be, from Time
to Time, authorized by the Laws in force with respect to
Friendly Societies, or shall be conducive to the Health,
Instruction, Recreation, or Comfort of the Members, their
35 Wives or Children ; to a Division or Return to or amongst
the Members of the Society or its Customers of the Profits
on or in respect of any Purchases made by them respec-
tively of Goods or Articles made, produced, or sold by the
Society ; to the Payment or Appropriation to or amongst
40 the Members or any Persons employed by the Society, in
respect of any Shares held by them in the Capital of the
Society, or any Works or Services done or performed by
them respectively for or on behalf of the Society, of any
Part of such Profits :

- 6th. For the Appointment of such Managers or other Officers, whether Members of the Society or not, at such Salaries or Remuneration, and with such Powers and Authorities, Duties and Responsibilities, and subject to such Conditions, as to Removal or otherwise, as shall appear requisite from 5 Time to Time for the better carrying out of the Objects of the Society :
- 7th. For the making or confirming of all such Contracts as shall be necessary or expedient for the Purposes of the Society, which Contracts, when executed or entered into in accordance with the Rules of the Society, shall be binding on all 10 Members of the same ; and for the Enforcement of the Liability of Members in respect of such Contracts :
- 8th. For the due Payment by the Members, their Executors or Administrators, of all Subscriptions, Debts, Fines, or other 15 Sums of Money which they may owe to the Society, from Time to Time, in accordance with the Rules thereof :
- 9th. For regulating Transfers, either of the Shares generally or of any specified Shares, and as to any Share which the Rules shall not allow to be transferred, or on the Transfer 20 whereof they shall impose any Condition restricting the Freedom of such Transfer ; for allowing the Holder to withdraw, on Notice given, for a Period to be fixed by the Rules ; and for determining whether, and to what Extent, Members shall be compelled to discharge their Obligations 25 to the Society before withdrawing from the same, and for otherwise regulating Withdrawals :
- 10th. For regulating the Claims (if any) of the Executors or Administrators of deceased Members of the Society upon the Funds of the same, in respect of the Interest of their 30 respective Testators or Intestates in the same :
- 11th. For keeping Account of all the Transactions of the Society ; for the balancing and auditing of such Accounts *twice* at least in every Year ; and for the Inspection of the Accounts 35 by the Members :
- 12th. For referring to Arbitration all Disputes which may arise between any Member of the Society and any Trustee, Treasurer, Manager, Committee, or Officers of the same, or any of them :
- 13th. For determining under what Conditions, and by what 40 Meetings, and how composed, and by what special or other Majorities of the Members or other Persons present at such Meetings, the Rules of the Society may be altered or the Society

Society shall be dissolved, and whether, and in what Cases, and by what Means, any Member or Members may summon a Meeting for the Alteration of the Rules or Dissolution of the Society; and for winding up the Affairs of the Society on the Dissolution thereof.

5 5. The Shares of any Society the Rules whereof shall make its Shares transferable shall be numbered; and the Transfer of any such Share shall be in the Form contained in the Schedule hereto, or as near thereto as the Circumstances will admit, and shall be executed both by
 10 the Transferor and Transferee; and a Register of the original Shares and of all Transfers thereof shall be kept by the Society; and the Transferor shall be deemed the Holder of the Share until the Name of the Transferee is entered in such Register in respect thereof; and a Certificate under the Hands of the registered Trustees of the Society,
 15 specifying any Share or Shares held by any Member, shall be *prima facie* Evidence of the Title of the Member to the Share or Shares so specified.

The Shares of Societies whose Shares are transferable to be numbered, and a Register of Transfers kept, and Certificate of Trustees to be *prima facie* Evidence.

6. When any Member is entitled to withdraw, under the Ninth Section of Section 4 of this Act, the Balance due to him on such
 20 Withdrawal upon his Shares shall be paid to him in Money, at such Times as shall be fixed by the Rules of the Society; but when the Rules of any Society shall make its Shares transferable, no Member desiring to withdraw shall have any Claim upon the Society in respect of his Shares other than such as may be expressly given to him by
 25 the Rules thereof.

Payment to Members on Withdrawal.

7. The Rules of any Society which shall make its Shares transferable may provide that the whole or any Part of the Profits arising from its Business may be distributed by means of Shares appropriated to the Persons or Purposes entitled under its Rules to
 30 participate in such Profits, and carried to their Accounts respectively in its Books.

Rules may provide that Profits may be distributed by means of Shares.

8. The Rules of any such Society may authorize the Trustees thereof to employ any Part of the Funds of the Society, under such Conditions as are therein specified, in the Purchase of Land, or in the
 35 Erection or Purchase of any Buildings required for the Purposes of the Society, and to sell or let any such Lands or Buildings; and any Lands so purchased may be conveyed to such Society, described by its registered Name, and shall vest in the registered Trustees thereof from Time to Time.

The Trustees may hold Land, and may erect or purchase Buildings.

The Trustees
may rent
Land or
Buildings.

9. The Rules of any such Society may authorize the Trustees thereof to rent any Land or Building required for the Purposes of the Society; and any such Property may be demised to the Society, described by its registered Name, and shall vest in the registered Trustees thereof from Time to Time: Provided always, that no such Trustee shall thereby become responsible for the Rent of such Property, otherwise than as a Member of the Society, except he shall personally agree in Writing to make himself responsible therefor; and in a Distress for Rent it shall be sufficient in the Warrant therefor to describe the Property as in the Occupation of the Trustees of the Society, described by its registered Name, without mentioning the Names of such Trustees.

Distress for
Rent.

The Trustees
may invest
in the Shares
or Stock of
Societies or
Companies.

10. The Rules of any such Society may authorize the Trustees thereof to invest any Part of the Funds of such Society, in the registered Name thereof, in the Stock or Shares of any other Company or Society incorporated by Act of Parliament, or registered under this Act, and may give such Authority generally, or in reference to certain Companies or Societies expressed by Name; and in every such Investment the Stocks or Shares so invested in the Name of any Society shall vest in the Trustees thereof from Time to Time, and a Receipt under the Hand of any One of the Trustees for the Time being of any such Society in whose Name any such Shares or Stock as last aforesaid stand, for any Dividends or Interest due thereon, shall be an effectual Discharge for such Dividends or Interest; and a Power of Attorney for the Receipt of such Dividends or Interest, executed by the Trustees for the Time being of any such Society, shall be effectual, notwithstanding any Change of Trustees, until the same is revoked by some Writing under the Hands of the Trustees for the Time being of such Society.

Responsi-
bility for
Calls, and
Right of
voting.

11. A Society in whose Name any such Shares or Stock stand, under the Provisions aforesaid, shall be responsible for all Calls or Liabilities due in respect thereof; and no Trustee of such Society shall be responsible, otherwise than as a Member thereof, for any such Call or Liability, or for any Loss incurred in consequence of any such Investment; and any such Society may, by a Writing signed in manner required by its Rules, appoint as its Representatives, in respect of such Shares or Stock, any Number of Persons not exceeding the Number in whose Names the same might be jointly invested, according to the Constitution of the Company or Society wherein such Investment is made, who shall have the same Right of voting in respect thereof as they would have had if the same had stood in their Names.

12. The

12. The Execution by the registered Trustees for the Time being of any such Society of any Instrument relating to any Lands, Buildings, Stock, or Shares vested in them under the Provisions aforesaid shall have the same Effect as if the Property whereto such Instrument purports to relate had been originally conveyed or demised to the Trustees executing such Instrument by Name; and a Certificate under the Hand of the Registrar of Friendly Societies, stating that the Persons therein described are the registered Trustees for the Time being of any Industrial and Provident Society therein mentioned, shall be conclusive Evidence that such Persons are the Trustees of such Society within the Meaning of this Act.

Effect of legal Instruments executed by the Trustees.

13. The Registrar of Friendly Societies shall certify under his Hand, on the Application of any Person, and on Payment of *One Shilling*, the Names of the registered Trustees for the Time being of any Industrial or Provident Society whereto such Application relates.

Registrar to grant Certificates, on Payment of One Shilling.

14. The Rules of any such Society may provide that the Liability of the Members shall be limited to the Subscriptions payable upon the Shares held by them respectively; and in every such Case the Word "Limited" shall be added as the last Word to the Name of such Society; and every such Society shall paint or affix and keep painted or affixed its Name on the Outside of every Office or Place in which the Business of the Society is carried on, in a conspicuous Position, and in Letters easily legible, and shall have its Name mentioned in legible Characters on all Notices, Advertisements, and other official Publications of such Society, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, or Orders for Money or Goods purporting to be signed by any Person in the Name of or on behalf of such Society, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Society.

The Liability of Members may be limited. Notice of the Limitation.

15. Any Limited Society which does not paint or affix and keep painted and affixed its Name in manner directed by this Act, shall be liable to a Penalty not exceeding *Five Pounds* for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Society, or any Person in its Behalf, issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Society, or signs or authorizes to be signed on behalf thereof any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt, or Letter of Credit of the Society, wherein its Name is not mentioned, he shall be liable to a Penalty of *Fifty Pounds*, and shall

Penalty on not giving due Notice of Limitation.

further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Company.

Recovery of Penalties.

16. The Penalties hereby imposed shall be recoverable in manner provided by the Joint Stock Companies Act, 1856, Section 56. 5

Existing Societies may avail themselves of the Provisions of the Act, and alter their Name by adding "Limited."

17. Any Society registered under the Industrial and Provident Societies Act, 1852, which shall desire to avail itself of the Provisions of this Act or any of them, may alter its Rules in such Manner as shall be necessary for that Purpose, and may also alter its Name by adding the Word "Limited" thereto, by a Resolution passed in manner required by its Rules for making any Alteration therein, and registered in the Office of the Registrar of Friendly Societies. 10

Members in transferring Shares to continue liable for One Year.

18. If any Member in any Society registered under this Act whereof the Shares are transferable shall transfer any Share within *Twelve* Calendar Months before a Resolution is passed for the Dissolution of the Society, and upon such Dissolution the Assets of the Society shall be insufficient for Payment of the Creditors thereof, and the Assignee of such Shares shall fail to pay the Contributions due in respect of the Share so assigned, the Member making such Assignment shall be liable to make good the Deficiency, and shall for the Purpose of enforcing such Payment be treated as a continuing Member of the Society; and Members withdrawing from any such Society shall continue liable to make good any Deficiency in the Assets of the Society to the Extent of the Sum so withdrawn by them for *Two* Years after the Withdrawal thereof, and shall for the Purpose of enforcing such Payment be considered as continuing Members of the Society. 15 20 25

Members withdrawing liable for Two Years.

Power to appoint Officers to sue and be sued.

19. Every such Society may by a Majority of Votes at any General Meeting thereof appoint Two Officers to sue and be sued on behalf of such Society, in place of the Trustees thereof; and whenever such Appointment shall be made, and registered, in pursuance of the Directions for such Appointment and Registration respectively herein-after contained, all Suits and Proceedings, whether at Law or in Equity, or by or on behalf of any Person or Persons, whether Bodies Politic or others, and whether or not Members of such Society, against such Society, shall be commenced and prosecuted against such Officers, instead of against the Trustees of the said Society. 30 35

Names of Officers appointed to sue and be

20. Every Society which shall appoint any Officer to sue or be sued on behalf thereof in manner aforesaid shall make a Return to the Registrar of Friendly Societies of the Names and Descriptions of the 40 the

the Officers so appointed ; and every such Society may from Time to Time, by the like Majority as aforesaid, remove any Officer so appointed ; and in case of the Death, Resignation, or Removal of any such Officer, the said Society may appoint in his Stead another Officer to sue and be sued on behalf of such Society, and make a Return to the said Registrar as aforesaid, containing as well the Name and Description of the Person who has ceased to be such Officer, in manner aforesaid, as the Name and Description of the Officer who has been appointed in his Stead to sue and be sued on behalf of such Society ; and every such Return shall be signed by *Three* Members of such Society, and countersigned by the Officers or Officer so appointed, and shall be kept with the Rules of the Society ; and if any Society shall neglect to appoint any Officer to sue and be sued, the Trustees of such Society, or the Majority of them, may appoint any Member of such Society to be such Officer, and shall forthwith make such Return as aforesaid under the Hand of such Trustees and such Officer ; and every Appointment so made shall be as effectual for all the Purposes of this Act, and be subject to the like Right of Removal, as if it had been made by such Society.

sued on behalf of Society, to be returned to Registrar of Friendly Societies. Form of Return.

In default of Appointment as aforesaid Trustees of Society may appoint such Officers, and make Returns.

21. Whenever there is no registered Officer to sue or be sued on behalf of any Society, all such Proceedings against such Society may be instituted against the registered Trustees thereof ; and any Person may require a Copy of the Names of such Officers or of the Trustees to be certified by the Registrar, on Payment of *One Shilling*, and the Day of the Registration of such Names shall be written on such Return by the said Registrar ; and a Copy so certified as aforesaid of such Names, including the Date to be marked thereon, shall be received in Evidence in all Proceedings, whether Civil or Criminal, and shall also be received as Evidence of the Day of the registering thereof.

Certificate of registered Officer or Trustees to be given by Registrar.

22. No Action, Suit, or Proceeding, whether Civil or Criminal, commenced either by or against any such Society, (in the Name of any such Officer or any Member appointed to sue and be sued as aforesaid,) shall be abated or prejudiced by the Death or by any Act of such Officer or Person, or by the Resignation or Removal of such Officer, either before or after the Commencement of such Action, Suit, or Proceeding, or by any Change in the Members of such Society, but the same shall be continued in the Name of such Officer or Member (as the Case may be) notwithstanding such Death or Act, or such Resignation or Removal, and notwithstanding such Change in the Members of such Society.

Proceedings commenced in Name of Officer not to be abated by his Death, &c., or by Change of Members of Society.

Effects of
Judgments,
&c. against
the Society.

23. All Judgments, Decrees, Interlocutors, and Orders obtained in any such Actions, Suits, or other Proceedings as aforesaid against such Officer or Member, whether such Member or Officer respectively be Party to such Actions, Suits, or Proceedings as Plaintiff, Pursuer, Petitioner, or Defendant or Defender, shall have the same Effect against the Property and Effects of such Society as if such Judgments, Decrees, Interlocutors, or Orders had been obtained in Suits or Proceedings against the Trustees of such Society, and Execution or Diligence shall be issued thereon accordingly.

Bankruptcy,
&c. of Officer
not to affect
Liability of
Society.

24. The Bankruptcy, Insolvency, or stopping Payment of any Officer or Member of such Society in his individual Capacity shall not be construed to be the Bankruptcy, Insolvency, or stopping Payment of such Society; and the Property and Effects of such Society shall, notwithstanding such Bankruptcy, Insolvency, or stopping Payment, be liable to Execution or Diligence, in the same Manner as if such Bankruptcy, Insolvency, or stopping Payment had not taken place.

Service of
Process on
Society.

25. In all Cases wherein it may be necessary for any Person to serve any Summons, Demand, or Notice, or any Writ or other Proceeding, at Law or in Equity, or otherwise, upon any such Society, Service thereof respectively on the Secretary of the said Society, or by leaving the same at the Head Office for the Time being of the said Society, or in case neither such Secretary nor Officer can be found or known, then Service thereof on any Agent or Officer employed by the said Society, or by leaving the same at the usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Notice of the same respectively on such Society.

Provisions
of any Acts
for winding
up of Joint
Stock Com-
panies to
apply to
Societies
registered
under this
Act.

26. All Provisions of any Act applicable to the winding up of Joint Stock Companies shall apply to the winding up of Societies registered under this Act.

Dissolution
of Society
not to pre-
vent winding
up of its
Affairs.

27. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the Intent that such Society may do all things necessary to the winding up of the Concerns thereof, and that it may be sued and sue, under the Provisions of this Act, in respect of all Matters relating to such Society.

Provisions
of Friendly
Societies Act
incapacita-
ting Trustees

28. The Provisions of the Laws relating to Friendly Societies, whereby the Trustees of any Society are declared incapable of prosecuting any Action or Proceeding in any Court of Law or Equity

on behalf of such Society, until they shall have duly furnished to the Registrar a General Statement of the Funds and Effects of such Society, shall not apply to the Prosecution of any Action or other Proceeding by the registered Officer of any Society registered under this Act.

from suing
till they shall
have made to
the Registrar
a financial
Statement of
Society's
Affairs not
to apply.

29. The Provisions of the Friendly Societies Act, 1854, whereby a Member of any Society registered thereunder is allowed to nominate any Persons to whom his Investment in such Society shall be paid, shall extend, in the Case of Societies registered under this Act, to allow any Member thereof to nominate any Persons into whose Name his Interest in such Society at his Decease shall be transferred: Provided nevertheless, that any such Society may, in lieu of making such Transfer, elect to pay to any Persons so nominated the full Value of such Interest.

Power to
Member to
nominate
Persons into
whose Name
his Interest
may be trans-
ferred at his
Death.

30. Notwithstanding anything contained in the Laws for the Time being in force relating to Friendly Societies, it shall not be incumbent on any Treasurer or other Officer of any Society registered under the Provisions of this Act to invest any of the Funds of such Society in manner provided by the Laws relating to Friendly Societies, nor shall any such Society be allowed to invest any Portion of such Funds with the Commissioners for the Reduction of the National Debt.

Laws relat-
ing to
Friendly So-
cieties to be
applicable,
except as
varied by this
Act, or cer-
tified to be
inapplicable.
7 & 8 Vict.
c. 110. not
to extend to
Societies
constituted
under this
Act.

31. All the Provisions of the Laws relating to Friendly Societies shall apply to every Society registered under this Act, and to every Officer and Member of such Society, and to every Proceeding under this Act, except so far as any such Provision may be expressly varied by this Act, or by any Rule expressly authorized to be made by this Act.

The Friendly
Societies
Acts to apply
to Societies
under this
Act.

32. No Society shall be entitled to the Benefit of this Act whereof the Rules shall not provide that the Amount of the Share or Interest in the Funds of the same to be held at any One Time by or in trust for any One Member of the same, or any Persons claiming by or through him, otherwise than by way of Annuity, shall be restricted to a Sum which shall not exceed the Amount allowed to be secured by any Society registered under the Friendly Societies Act for the Time being, exclusively of any Annuity; nor shall any Member or other Person be entitled by way of Annuity to any Interest in the Funds of such Society exceeding the Amount allowed to be secured by any Society so registered as aforesaid.

Limitation
of Interest
of Members
in Funds of
Society.

Annual
Returns to
be prepared
as Registrar
may direct.

33. The General Statement of the Funds and Effects of any Society or Branch registered under this Act, which by the Laws relating to Friendly Societies is provided to be transmitted to the Registrar once in every Year, shall exhibit fully the Assets and Liabilities of the Society, and shall be prepared and made out within 5 such Period, and in such Form, and shall comprise such Particulars, as the Registrar shall from Time to Time require, and shall be filed and preserved in such Manner as he shall direct.

Provisions of
Friendly So-
cieties Acts
giving such
Societies
Priority over
other Credi-
tors as to
Estate of
Officers, and
Exemption
from Stamp
Duties in cer-
tain Cases,
not to apply
to Societies
constituted
under this
Act.

34. No Provision of the Laws relating to Friendly Societies, whereby any Money due to any such Society from any Officer of the 10 same, or other Person intrusted with the keeping of the Accounts, or having in his Hands any Money or Effects belonging to any such Society, or from the Estate of any such Officer or Person, is made payable in preference to or before any other Creditor, shall apply to any Society registered under this Act; and no Exemption from Stamp 15 Duties allowed by the Laws relating to Friendly Societies shall apply to any Society so registered, except so far as relates to any Copy of the Rules of such Society, and to any other Instrument or Document whatsoever relating to such Society which might have been given, issued, signed, made, or produced under the Laws relating to Friendly 20 Societies, by or on behalf of or respecting a Society constituted under the Laws in force relating to such Societies previously to the passing of this Act, and would have been exempt from Duty in such Case.

As to
Members
becoming
bankrupt or
insolvent.

35. If any Member in any Society registered under this Act, and of which the Shares are not transferable, shall become bankrupt, 25 or shall take the Benefit of any Act for the Relief of Insolvent Debtors, such Member shall be taken to have withdrawn from the Society on the Day of the Date of the filing of the Petition for Adjudication of Bankruptcy, or (in the Case of any Insolvent Debtor) of the Declaration of Insolvency, or the Petition for Discharge or for 30 a Vesting Order respectively, as the Case may be; and the Assignees of any such Bankrupt or Insolvent shall have such Claim upon the Society, and no other, as the Bankrupt or Insolvent would have had if he had actually withdrawn at the Date aforesaid.

Awards of
Arbitrators
may be en-
forced by
County
Courts where
Sum, &c. in
dispute is
within its Ju-
risdiction.

36. If either of the Parties to any Arbitration which shall take 35 place under this Act for the Settlement of a Dispute shall refuse or neglect to comply with or conform to the Decision of the Arbitrators, or the major Part of them, then, in case the Sum or Value in dispute shall not exceed the Limit fixed by Law for the Time being for any Debt or Damages claimable in the County Court in England or in the 40 Court of the Assistant Barrister in Ireland respectively (as the Case may be), it shall be lawful for the Judge of the County Court or the

Assistant

Assistant Barrister respectively (as the Case may be) within whose Jurisdiction the Society shall be established or shall carry on Business for the Time being, upon Proof adduced before him to his Satisfaction of an Award having been made by the Arbitrators according to the
 5 Rules of the Society, to cause the Award to be entered as a Judgment in his Court, and such Award shall thereupon take effect and be enforceable in the same Manner, to all Intents and Purposes, as a Judgment of such Court in a Cause between the same Persons as shall be Parties to the said Reference, except that the same shall be final
 10 and without Appeal; but in case the Sum or Value in dispute shall exceed the Limit fixed by Law for the Time being for any Debt or Damages claimable in the County Court or the Court of the Assistant Barrister respectively, then the same may, on the Application of either Party, be made a Rule of any of Her Majesty's Superior Courts
 15 at Westminster or at Dublin (as the Case may be). Where it exceeds such Jurisdiction, then to be submitted to Superior Courts.

37. The Sheriff in Scotland shall within his County have the like Jurisdiction as is hereby given to the Judge of the County Court in any Matter arising under this Act. Sheriff's Jurisdiction in Scotland.

38. The Members of any Society registered under this Act
 20 may, by such a Majority of a Meeting so held as by the Rules of the Society would be sufficient to dissolve the same, and wind up the Affairs thereof, resolve that the Society shall be dissolved, for the Purpose of constituting a Company with Limited Liability, under the Joint Stock Companies Acts in force for the Time being, and may by
 25 such Resolution direct all necessary Measures to be taken for carrying out such Change, and upon the Registration of the Memorandum of Association of a Company incorporated under the Name mentioned in the Resolution for dissolving such Society, and in conformity therewith, such Society shall be taken to be dissolved, and such Company to be
 30 substituted in its Place; and all the Property of such Society vested in the Trustees thereof at the Date of such Incorporation shall thereupon vest in the Company so incorporated, and every Person then having any Claims upon such Society shall have the like Claim upon such Company, and all the Rights of such Society shall vest in such
 35 Company, and all Proceedings by or against the Trustees or registered Officers of such Society shall be capable of being prosecuted by or against such Company in the same Manner as if they had been originally instituted by or against it, and all Members of such Society at the Date of such Dissolution shall be Members of such Company,
 40 and shall respectively be credited in the Books of such Company with a Sum equal to the Sum then standing to their Account in the Books of such Society, and be liable to contribute to the Funds of the Company a Sum equal to the Sum (if any) which they were at that

Time liable to contribute to the Funds of such Society, and shall respectively be entitled and taken to hold such Number of Shares in the Capital of such Company whereon such Sums shall be taken to be paid up or due as shall be requisite to give Effect to such Rights or Liabilities, according to the Constitution of such Company. 5

Meaning of Words.

39. The Words "County Court," when occurring in this Act, shall apply only to County Courts established or holden under the Provisions of an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled "An Act for the more easy Recovery of small Debts and Demands in England," and the Acts amending the same, 10 and the Words the "Purposes of the Society" shall be taken to include any Purpose mentioned in the Fifth Paragraph of the Fourth Section hereof.

Short Title.

40. This Act may be cited as the "Industrial and Provident Societies Act, 1862." 15

SCHEDULE to the above Act.

Form of Transfer of Shares of an Industrial and Provident Society.

I *A.B.* of _____ in consideration of the Sum of _____
paid to me by *C.D.* of _____ do
hereby transfer to the said *C.D.* the Share [*or* Shares] numbered _____
standing in my Name in the Books of the
Industrial and Provident Society [Limited],
to hold to the said *C.D.*, his Executors, Administrators, and Assigns,
[*or* Successors and Assigns,] subject to the several Conditions on
which I hold the same at the Date hereof; and I the said *C.D.*
hereby agree to take the said Share or Shares, subject to the same
Conditions.

As witness our Hands, the

Day of

Industrial and Provident Societies.

A

B I L L

To consolidate and amend the Laws
relating to Industrial and Provident
Societies.

(*Prepared and brought in by*
Mr. Sotherton Esq. and Mr. Stacey.)

Ordered, by The House of Commons, to be Printed,
1 April 1862.

[Bill 68.]

Under 2 oz.

21 May 1862. 25 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Laws relating to
Industrial and Provident Societies.

WHEREAS by the Industrial and Provident Societies Act, Preamble.
1852, it is enacted, that it shall be lawful for any Number
of Persons to establish a Society under the Provisions
thereof and of the therein-recited Act, for the Purpose of raising by
5 voluntary Subscriptions of the Members thereof a Fund for attaining
any Purpose or Object for the Time being authorized by the Laws
in force with respect to Friendly Societies or by the said recited Act,
by carrying on or exercising in common any Labour, Trade, or
Handicraft, or several Labours, Trades, or Handicrafts, except the
10 working of Mines, Minerals, or Quarries beyond the Limits of the
United Kingdom of Great Britain and Ireland, and also except the
Business of Banking, whether in the said United Kingdom or else-
where; and that the said Act shall apply to all Societies already
established for any of the Purposes herein mentioned, so soon as they
15 shall conform to the Provisions hereof: And whereas by an Act
passed in the Seventeenth and Eighteenth Year of Her present
Majesty, Chapter Twenty-five, various Provisions were made for the
better enabling legal Proceedings to be carried on in any Matter
concerning the Societies formed under the said Act of 1852: And
20 whereas the last-mentioned Act was amended by an Act passed in
[Bill 131.] A the

the First Session of the Nineteenth and Twentieth Year of Her present Majesty, Chapter Forty: And whereas various Societies have been formed and are now carrying on Business under the Provisions of the said recited Acts, and it is desirable to consolidate and amend the Laws relating to such Societies: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of
15 & 16 Vict.
c. 31.,
17 & 18 Vict.
c. 25., and
18 & 19 Vict.
c. 40.

1. The Industrial and Provident Societies Act, 1852, and the said recited Acts for the Amendment thereof, are hereby repealed from the passing of this Act.

The present
Act to apply
to all exist-
ing Indus-
trial and
Provident
Societies.

2. All Societies registered under the Industrial and Provident Societies Act, 1852, shall be taken to be registered under this Act on the Day of the passing thereof, and the Provisions of this Act shall apply to all Matters pending at the Date of the passing thereof, in relation to any such Societies, as if they had been originally registered thereunder.

CLAUSE A.
Societies
under this
Act to con-
sist of not
less than
Seven Per-
sons.

3. Any Number of Persons, not being less than Seven, may establish a Society under this Act for the Purpose of carrying on or exercising in common any Labour, Trade, or Handicraft, whether wholesale or retail, and of dividing the Profits thereof, except the working of Mines and Quarries, and except the Business of Banking, or for any Purposes allowed by the Friendly Societies Acts, or for the Education, Instruction, or Recreation of the Members, or the Wives and Children of Members.

CLAUSE B.
Rules.

4. The Rules of every such Society shall contain Provisions in respect of the several Matters mentioned in the Schedule annexed to this Act.

CLAUSE C.
Registration
of Rules.

5. Two Copies of the Rules shall be forwarded to the Registrar of Friendly Societies of England, Scotland, and Ireland, according to the Place where the Office of the Society is situate, and shall be dealt with by him in the Manner provided by the Friendly Societies Act, 1855; and he shall thereupon give his Certificate of Registration, and such Certificate shall in all Cases be conclusive Evidence that the Society has been duly registered, and thereupon the Members of such Society shall become a Body Corporate, by the Name therein described, having a perpetual Succession and a Common Seal, with Power to hold Lands and Buildings.

CLAUSE D.
Copy of
Rules to be
delivered to
each Mem-
ber.

6. A Copy of the Rules shall be delivered by the Committee of Management, to every Member, on Demand, on Payment of a Sum not exceeding One Shilling.

7. No

7. No Society shall be registered under a Name identical with that by which any other existing Society has been registered, or so nearly resembling such Name as to be likely to deceive the Members or the Public.

CLAUSE E.
Penalties.

8. The Fees payable to the Registrar shall be those payable by any Friendly Society under the Acts regulating the same.

CLAUSE F.
Fees to Registrar.

9. No Member shall be entitled, in any Society registered under this Act, to hold or claim any Interest exceeding the Sum of Two hundred Pounds.

CLAUSE G.
Member's
Interests
limited to
200*l*.

10. Every Society registered under this Act shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Society is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Society, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Society.

CLAUSE H.
Publication
of Name by
a Limited
Society.

11. If any Society under this Act does not paint or affix, and keep painted or affixed, its Name in manner directed by this Act, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Society or any Person on its Behalf uses any Seal purporting to be a Seal of the Society whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Society, or signs or authorizes to be signed on behalf of such Society any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt, or Letter of Credit of the Society, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Society.

CLAUSE I.
Penalties on
Non-publi-
cation of
Name.

12. Every Society formed under this Act shall have a registered Office to which all Communications and Notices may be addressed: If any Society formed under this Act carries on Business without

CLAUSE K.
Registered
Office of
Company.

having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

CLAUSE L.
Notice of
Situation of
registered
Office.

13. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him : Until such Notice is given the Society shall not be deemed to have complied with the Provisions of this Act. 5

CLAUSE M.
Signature,
and Effect of
Rules.

14. The Rules shall bind the Society, when registered, and the Members thereof, to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in such Rules contained a Covenant on the Part of himself, his Heirs, 10 Executors, and Administrators, to conform to such Rules subject to the Provisions of this Act; and all Monies payable by any Member to the Society in pursuance of such Rules shall be deemed to be a Debt due from such Member to the Society.

CLAUSE N.
Application
of Friendly
Societies
Acts to this
Act.

15. The Provisions of the Friendly Societies Acts shall apply to 15 Societies registered under this Act, in the following Particulars :

Exemption from Stamp Duties and Income Tax :

Settlements of Disputes by Arbitration or Justices :

Compensation to Members unjustly excluded :

Power of Justices or County Courts in case of Fraud : 20

Jurisdiction of the Registrar.

Power to
Member to
nominate
Persons into
whose Name
his Interest
may be trans-
ferred at his
Death.

16. The Provisions of the Friendly Societies Act, 1854, whereby a Member of any Society registered thereunder is allowed to nominate any Persons to whom his Investment in such Society shall be paid, shall extend, in the Case of Societies registered under this Act, to 25 allow any Member thereof to nominate any Persons into whose Name his Interest in such Society at his Decease shall be transferred: Provided nevertheless, that any such Society may, in lieu of making such Transfer, elect to pay to any Persons so nominated the full Value of such Interest. 30

CLAUSE O.
Winding up
of Society.

17. Any Society registered under this Act may be wound up either by the Court or voluntarily, in the same Manner and under the same Circumstances, under and in which any Company may be wound up under the Joint Stock Companies Acts, 1856 and 1857, or any Acts for the Time being in force for winding up Companies ; and 35 all the Provisions of such Acts or Act with respect to winding up shall apply to such Society, with this Exception, that the Court having Jurisdiction in the Winding-up shall be in all Cases the County Court of the District in which the Office of the Society is situated.

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18. In

18. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the Intent that such
 5 Society may do all things necessary to the winding up of the Concerns thereof, and that it may be sued and sue, under the Provisions of this Act, in respect of all Matters relating to such Society.

Dissolution of Society not to prevent winding up of its Affairs.

19. In the event of a Society formed under this Act being wound up, every present and past Member of such Society shall
 10 be liable to contribute to the Assets of the Society to an Amount sufficient for Payment of the Debts and Liabilities of the Society, and the Costs, Charges, and Expenses of the Winding-up, and for the Payment of such Sums as may be required for the Adjustment of the Rights of the Contributories amongst themselves, with the Quali-
 15 cations following ; (that is to say,)

CLAUSE P.
 Liability of present and past Members of Company.
 20 Vict. c. 47. s. 62.

- (1.) No past Member shall be liable to contribute to the Assets of the Society if he has ceased to be a Member for a Period of One Year or upwards prior to the Commencement of the Winding-up :
- 20 (2.) No past Member shall be liable to contribute in respect of any Debt or Liability of the Society contracted after the Time at which he ceased to be a Member :
- (3.) No past Member shall be liable to contribute to the Assets of the Society unless it appears to the Court that the
 25 existing Members are unable to satisfy the Contributions required to be made by them in order to satisfy all just Demands upon such Society.

20. Any Society registered under this Act may be constituted a Company under the Companies Acts, by conforming to the Provisions
 30 set forth in such Act, and thereupon shall cease to retain its Registration under this Act.

CLAUSE Q.
 Society may be constituted under Companies Acts.

21. Every Person or Member having an Interest in the Funds of any Society registered under this Act may inspect the Books and the Names of the Members at all reasonable Hours, at the Office of
 35 the Society.

CLAUSE R.
 Members may inspect Books.

22. The Sheriff in Scotland shall within his County have the like Jurisdiction as is hereby given to the Judge of the County Court in any Matter arising under this Act.

Sheriff's Jurisdiction in Scotland.

CLAUSE S.
Annual
Returns to
be prepared
as Registrar
may direct.

23. A General Statement of the Funds and Effects of any Society registered under this Act shall be transmitted to the Registrar once in every Year, and shall exhibit fully the Assets and Liabilities of the Society, and shall be prepared and made out within such Period, and in such Form, and shall comprise such Particulars as 5 the Registrar shall from Time to Time require.

CLAUSE T.
Recovery of
Penalties.

24. All Penalties imposed by this Act, or by any Byelaws made in pursuance of this Act or of any Act incorporated herewith, and all Sums of Money hereby directed to be recovered in a summary Manner, may be recovered in a summary Manner before Two Justices, as 10 directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of " Justices of the Peace out of Sessions within England and Wales " with respect to summary Convictions and Orders." 15

SCHEDULE of Matters to be provided for in the Rules.

1. Object and Name, and Place of Office of the Society, which must in all Cases be registered as one of limited Liability.
2. Terms of Admission of Members.
3. Mode of holding Meetings and Right of Voting, and of making or altering Rules.
4. Transfer of Shares, which must in all Cases be made by the Consent and Order of the Committee of Management, confirmed by a General Meeting of the Members.
5. Provision for the annual Audit of Accounts.
6. Power to invest Part of Capital in another Society ; provided that such other Society shall in all Cases be registered under this Act, or the Industrial and Provident Societies Act, 1852, or the Joint Stock Companies Act, as a Society or Company with limited Liability.
7. Power and Mode of withdrawing from the Society, in case of Death, Bankruptcy, Transfer of Shares, or otherwise.
8. Mode of Investment.
9. Appointment of Managers and other Officers, and their respective Powers and Remuneration.

Industrial and Provident Societies.

. A

B I L L

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Laws
relating to Industrial and Provident
Societies.

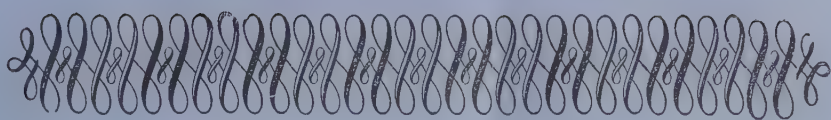
(Prepared and brought in by
Mr. Sotherton Estcourt and Mr. Stanley.)

*Ordered, by The House of Commons, to be Printed,
21 May 1862.*

[Bill 131.]

Under 1 oz.

13 June 1862. 25 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

TO

Consolidate and amend the Laws relating to
Industrial and Provident Societies.

WHEREAS by the Industrial and Provident Societies Act, Preamble.
1852, it is enacted, that it shall be lawful for any Number
of Persons to establish a Society under the Provisions
thereof and of the therein-recited Act, for the Purpose of raising by
5 voluntary Subscriptions of the Members thereof a Fund for attaining
any Purpose or Object for the Time being authorized by the Laws
in force with respect to Friendly Societies or by the said recited Act,
by carrying on or exercising in common any Labour, Trade, or
Handicraft, or several Labours, Trades, or Handicrafts, except the
10 working of Mines, Minerals, or Quarries beyond the Limits of the
United Kingdom of Great Britain and Ireland, and also except the
Business of Banking, whether in the said United Kingdom or else-
where; and that the said Act shall apply to all Societies already
established for any of the Purposes herein mentioned, so soon as they
15 shall conform to the Provisions hereof: And whereas by an Act
passed in the Seventeenth and Eighteenth Year of Her present
Majesty, Chapter Twenty-five, various Provisions were made for the
better enabling legal Proceedings to be carried on in any Matter
concerning the Societies formed under the said Act of 1852: And
20 whereas the last-mentioned Act was amended by an Act passed in
[Bill 153.] A the

the First Session of the Nineteenth and Twentieth Year of Her present Majesty, Chapter Forty: And whereas various Societies have been formed and are now carrying on Business under the Provisions of the said recited Acts, and it is desirable to consolidate and amend the Laws relating to such Societies: Be it therefore enacted by the 5 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of
15 & 16 Vict.
c. 31.,
17 & 18 Vict.
c. 25., and
19 & 20 Vict.
c. 40.

The present
Act to apply
to all exist-
ing Indus-
trial and
Provident
Societies.

CLAUSE A.
Constitution
of Societies
under this
Act.

CLAUSE B.
Rules.

CLAUSE C.
Registration
of Society.

CLAUSE CC.
Certificate
of Registra-
tion to vest

1. The Industrial and Provident Societies Act, 1852, and the said recited Acts for the Amendment thereof, are hereby repealed from 10 the passing of this Act.

2. All Societies registered under the Industrial and Provident Societies Act, 1852, shall be taken to be registered under this Act on the Day of the passing thereof, and the Provisions of this Act shall apply to all Matters pending at the Date of the passing thereof, in 15 relation to any such Societies, as if they had been originally registered thereunder.

3. Any Number of Persons, not being less than Seven, may establish a Society under this Act for the Purpose of carrying on or exercising in common any Labour, Trade, or Handicraft, whether 20 wholesale or retail, and of dividing the Profits thereof, except the working of Mines and Quarries, and except the Business of Banking, and of applying the Profits for any Purposes allowed by the Friendly Societies Acts, or for the Education, Instruction, or Recreation of the Members, or the Wives and Children of Members. 25

4. The Rules of every such Society shall contain Provisions in respect of the several Matters mentioned in the Schedule annexed to this Act.

5. Two Copies of the Rules shall be forwarded to the Registrar of Friendly Societies of England, Scotland, and Ireland, according to 30 the Place where the Office of the Society is situate, and shall be dealt with by him in the Manner provided by the Friendly Societies Act, 1855; and he shall thereupon give his Certificate of Registration, and such Certificate shall in all Cases be conclusive Evidence that the Society has been duly registered, and thereupon the 35 Members of such Society shall become a Body Corporate, by the Name therein described, having a perpetual Succession and a Common Seal, with Power to hold Lands and Buildings, with limited Liability.

6. The Certificate of Registration shall vest in the Society all the 40 Property that may at the Time be vested in any Person in trust for the

the Society; and all legal Proceedings then pending by or against any such Trustee or other Officer on account of the Society may be prosecuted by or against the Society in its Corporate Name without Abatement.

all Property in Society now held in trust for Society.

5 7. A Copy of the Rules shall be delivered by the Committee of Management, to every Member, on Demand, on Payment of a Sum not exceeding One Shilling.

CLAUSE D.
Copy of Rules to be delivered to each Member.

8. No Society shall be registered under a Name identical with that by which any other existing Society has been registered, or so nearly resembling such Name as to be likely to deceive the Members or the Public, and the Word "Limited" shall be the last Word in the Name of every Society registered under this Act.

CLAUSE E.
No Society to be registered by same Name as that of any existing Society.

9. The Fees payable to the Registrar shall be those payable by any Friendly Society under the Acts regulating the same.

CLAUSE F.
Fees to Registrar.

15 10. No Member shall be entitled, in any Society registered under this Act, to hold or claim any Interest exceeding the Sum of Two hundred Pounds.

CLAUSE G.
Member's Interests limited to 200*l*.

11. Every Society registered under this Act shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Society is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Society, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Society.

CLAUSE H.
Publication of Name by a Society.

12. If any Society under this Act does not paint or affix, and keep painted or affixed, its Name in manner directed by this Act, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Society or any Person on its Behalf uses any Seal purporting to be a Seal of the Society whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Society, or signs or authorizes to be signed on behalf of such Society any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice,

CLAUSE I.
Penalties on Non-publication of Name.

Receipt, or Letter of Credit of the Society, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Society.

CLAUSE K.
Registered
Office of
Society.

13. Every Society under this Act shall have a registered Office to which all Communications and Notices may be addressed : If any Society formed under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds 10 for every Day during which Business is so carried on.

CLAUSE L.
Notice of
Situation of
registered
Office.

14. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him : Until such Notice is given the Society shall not be deemed to have complied with the Provisions of this Act.

15

CLAUSE M.
Signature,
and Effect of
Rules.

15. The Rules shall bind the Society, when registered, and the Members thereof, to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in such Rules contained a Covenant on the Part of himself, his Heirs, Executors, and Administrators, to conform to such Rules subject to 20 the Provisions of this Act ; and all Monies payable by any Member to the Society in pursuance of such Rules shall be deemed to be a Debt due from such Member to the Society.

CLAUSE N.
Application
of Friendly
Societies
Acts to this
Act.

16. The Provisions of the Friendly Societies Acts shall apply to Societies registered under this Act, in the following Particulars :

25

Exemption from Stamp Duties and Income Tax :

Settlements of Disputes by Arbitration or Justices :

Compensation to Members unjustly excluded :

Power of Justices or County Courts in case of Fraud :

Jurisdiction of the Registrar.

30

Power to
Member to
nominate
Persons into
whose Name
his Interest
may be trans-
ferred at his
Death.

17. The Provisions of the Friendly Societies Act, 1854, whereby a Member of any Society registered thereunder is allowed to nominate any Persons to whom his Investment in such Society shall be paid, shall extend, in the Case of Societies registered under this Act, to allow any Member thereof to nominate any Persons into whose 35 Name his Interest in such Society at his Decease shall be transferred : Provided nevertheless, that any such Society may, in lieu of making such Transfer, elect to pay to any Persons so nominated the full Value of such Interest.

18. Any

18. Any Society registered under this Act may be wound up either by the Court or voluntarily, in the same Manner and under the same Circumstances, under and in which any Company may be wound up under the Joint Stock Companies Acts, 1856 and 1857, or any Acts for the Time being in force for winding up Companies ; and all the Provisions of such Acts or Act with respect to winding up shall apply to such Society, with this Exception, that the Court having Jurisdiction in the Winding-up shall be the County Court of the District in which the Office of the Society is situated.

CLAUSE O.
Winding-up
of Society.

19. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the Intent that such Society may do all things necessary to the winding up of the Concerns thereof, and that it may be sued and sue, under the Provisions of this Act, in respect of all Matters relating to such Society.

Dissolution
of Society
not to pre-
vent winding
up of its
Affairs.

20. In the event of a Society formed under this Act being wound up, every present and past Member of such Society shall be liable to contribute to the Assets of the Society to an Amount sufficient for Payment of the Debts and Liabilities of the Society, and the Costs, Charges, and Expenses of the Winding-up, and for the Payment of such Sums as may be required for the Adjustment of the Rights of the Contributories amongst themselves, with the Qualifications following ; (that is to say,)

CLAUSE P.
Liability of
present
and past
Members of
Society.
20 Vict.
c. 47. s. 62.

- (1.) No past Member shall be liable to contribute to the Assets of the Society if he has ceased to be a Member for a Period of One Year or upwards prior to the Commencement of the Winding-up :
- (2.) No past Member shall be liable to contribute in respect of any Debt or Liability of the Society contracted after the Time at which he ceased to be a Member :
- (3.) No past Member shall be liable to contribute to the Assets of the Society unless it appears to the Court that the existing Members are unable to satisfy the Contributions required to be made by them in order to satisfy all just Demands upon such Society.
- (4.) No Contribution shall be required from any Member exceeding the Amount (if any) unpaid on the Shares in respect of which he is liable as a past or present Member.

21. Any Society registered under this Act may be constituted a Company under the Companies Acts, by conforming to the Provisions

CLAUSE Q.
Society may
be consti-

tuted under
Companies
Acts.

set forth in such Act, and thereupon shall cease to retain its Registration under this Act.

CLAUSE R.
Members
may inspect
Books.

22. Every Person or Member having an Interest in the Funds of any Society registered under this Act may inspect the Books and the Names of the Members at all reasonable Hours, at the Office of 5 the Society.

Sheriffs Ju-
risdiction in
Scotland.

23. The Sheriff in Scotland shall within his County have the like Jurisdiction as is hereby given to the Judge of the County Court in any Matter arising under this Act.

CLAUSE S.
Annual
Returns to
be prepared
as Registrar
may direct.

24. A General Statement of the Funds and Effects of any 10 Society registered under this Act shall be transmitted to the Registrar once in every Year, and shall exhibit fully the Assets and Liabilities of the Society, and shall be prepared and made out within such Period, and in such Form, and shall comprise such Particulars as the Registrar shall from Time to Time require; and the Registrar 15 shall have Authority to require such Evidence as he may think expedient of all Matters required to be done, and of all Documents required to be transmitted to him under this Act.

CLAUSE T.
Recovery of
Penalties.

25. All Penalties imposed by this Act, or by any Byelaws made in pursuance of this Act or of any Act incorporated herewith, and all 20 Sums of Money hereby directed to be recovered in a summary Manner, may be recovered in a summary Manner before Two Justices, as directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of 25 " Justices of the Peace out of Sessions within England and Wales " with respect to summary Convictions and Orders."

CLAUSE U.
Short Title.

26. This Act may be cited as "The Industrial and Provident Societies Act, 1862."

SCHEDULE of Matters to be provided for in the Rules.

1. Object and Name, and Place of Office of the Society, which must in all Cases be registered as One of limited Liability.
2. Terms of Admission of Members.
3. Mode of holding Meetings and Right of Voting, and of making or altering Rules.
4. Determination whether the Shares shall be transferable, and in case it be determined that the Shares shall be transferable, Provision for the Form of Transfer and Registration of Shares and for the Consent of the Committee of Management and Confirmation by the General Meeting of the Society; and in case Shares shall not be transferable, Provision for paying to Members Balance due to them on withdrawing from the Society.
5. Provision for the Audit of Accounts.
6. Power to invest Part of Capital in another Society; provided that no such Investment be made in any other Society not registered under this Act, or the Joint Stock Companies Act, as a Society or Company with limited Liability.
7. Power and Mode of withdrawing from the Society, and Provisions for the Claims of Executors, Administrators, or Assigns of Members.
8. Mode of Investment of Profits.
9. Appointment of Managers and other Officers, and their respective Powers and Remuneration.

Industrial and Provident Societies.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-
COMMITMENT]

To consolidate and amend the Laws
relating to Industrial and Provident
Societies.

(*Prepared and brought in by*
Mr. Sturtevant Estcourt and Mr. Stanley.)

Ordered, by The House of Commons, to be Printed,
13 June 1862.

[Bill 153.]

Under 1 oz.

LORDS AMENDMENTS

TO THE

INDUSTRIAL AND PROVIDENT SOCIETIES BILL.

Note.—*The Page and Line refer to the Bill (200.) as printed
by the Lords.*

Page 2.

Line 13. Leave out from the first (“be”) to the End of the Clause, and insert (“entitled to obtain a Certificate
“ of Registration on Application to the Registrar of
“ Friendly Societies, and for which Certificate no
“ Fee shall be payable to the Registrar.”)

Lines 19 and 20. Leave out (“or exercising in common”)

Line 21. Leave out (“and of dividing the Profits thereof”)

Line 24. Leave out from the first (“or”) to the End of the Clause, and insert (“otherwise permitted by Law.”)

Line 30. Leave out (“and”) and insert (“or”)

Page 3.

Line 3. Leave out (“Corporate”) and insert (“Registered”)

Lines 5 and 6. Leave out (“Committee of Management”) and insert (“Society”)

Line 6. Leave out (“Member”) and insert (“Person”)

Leave out Clause 9.

Page 4.

Line 9. Leave out (“formed”) and insert (“registered”)

Line 16. After (“Rules”) insert (“of every Society registered
“ under this Act”)

Line 16. Leave out (“when registered”)

Page 5.

Line 16. After (“Society”) insert Clause (A.)

CLAUSE (A.)—The Provisions of the Joint Stock Companies Acts as to Bills of Exchange and the Admissibility of the Register of Shares in Evidence shall apply to all Societies registered under this Act.

Line 17. Leave out (“formed”) and insert (“registered”)

Page 6.

Line 22: Leave out from the second ("by") to ("may") in
Line 25, and insert ("the Rules of any Society
" registered under this Act")

Page 7.

Line 23. Leave out (" Investment ") and insert (" Application ")

LORDS AMENDMENTS

TO THE

INDUSTRIAL AND PROVIDENT
SOCIETIES BILL.

*Ordered, by The House of Commons, to be Printed,
25 July 1862.*

[Bill 238.]

Under 1 oz.

12 July 1861. 24 & 25 VICT.



A

B I L L

TO

Render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons.

WHEREAS by a General Order of his Excellency the Governor General of India in Council, dated at Fort William, of the Tenth Day of April One thousand eight hundred and sixty-one, certain Conditions were prescribed and Offers made to the European Officers and Men of the Indian Forces of Her Majesty, in order to facilitate the Amalgamation of the said Forces with Her Majesty's General Forces: And whereas certain Parts of the said Conditions and Offers cannot be carried into Effect without the Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. If any Soldier of Her Majesty's European Forces in India has volunteered or shall volunteer from the said Forces to enlist in any Regiment of Her Majesty's General Army, and has made or shall make the Declaration provided by the said Order of the Governor
[Bill 247.] A General, Forces of

Enlistment
of Soldiers
transferred
from the
Indian to
the General
Forces of

Her Majesty to be valid for the unexpired Portions of the Service of such Soldiers.

General, and contained in the Schedule of this present Act, or to the like Effect, any such Enlistment is declared to be and shall be as valid and effectual, for the unexpired Portion of the Service of such Soldier, as if such Soldier had originally enlisted in Her Majesty's Land Forces under the Provisions of the Act of the Tenth and Eleventh Year of Her Majesty, Chapter Thirty-seven, intituled "An Act for limiting the Time of Service in the Army."

Persons so transferred to be accounted natural-born Subjects for Purposes of Military Service.

2. The Provisions of the Act of the First Year of Her Majesty, Chapter Twenty-nine, intituled "An Act for enabling Her Majesty to grant the Rank of General Officers to Foreigners now bearing Her Majesty's Commission, and to permit the Enlistment of Foreigners under certain Restrictions," shall not apply to the Case of Officers or Soldiers in the Indian Forces of Her Majesty, not being natural-born Subjects, who have been or may be transferred to Her Majesty's General Forces under the Condition of the said Order; but every such Officer or Soldier shall be upon the same Footing, for the Purposes of Military Service and Promotion, and every Act or Thing done or to be done in respect of the Enlistment and Attestation of any such Soldier shall be as legal for all Purposes as if he were a natural-born Subject of Her Majesty.

Rights of Persons so transferred to Pensions for Service in Her Majesty's General Forces.

3. If any Soldier who has been or shall be so transferred as aforesaid is or shall become entitled to claim any Pension for Service or would have become entitled to claim any Pension if his Service had been wholly performed either in Her Majesty's Indian or in Her Majesty's General Forces, it shall be lawful for the Commissioners of Chelsea Hospital to take such Claim into Consideration in the same Manner as they are by Law empowered to do in the Case of Soldiers discharged from Her Majesty's General Service, but such Pension shall be calculated in accordance with the Regulations either of Her Majesty's Indian or of Her Majesty's General Forces, according as such Soldier may choose, but subject to such Conditions as to the Time and Manner of exercising such Choice as have been or may be prescribed by the Commander in Chief of Her Majesty's Forces in India; and it shall be lawful for the Secretary of State for India in Council and the Commissioners of Her Majesty's Treasury to make by Agreement such Regulations as they may deem just and expedient as to the Apportionment of the Pensions aforesaid between the respective Revenues of India and of the United Kingdom of Great Britain and Ireland.

No Enlistment in India invalid by reason of

4. No Enlistment or Attestation of any Soldier or Person into Her Majesty's General or Indian Forces which shall have taken place within Her Majesty's Dominions in India, or within the Territories of

the Absence
of a Warrant
from the
Secretary
at War, or
because
made out of
Her Ma-
jesty's Do-
minions.

I A. B. do declare
that I have been till now a [Private, or Corporal, or Sergeant, as the
Case may be] in the _____ Regiment of
in Her Majesty's Indian Military Forces; that I enlisted on the _____
Day of _____ for a Term of _____
Years, of which _____ Years and _____ Months remain
unexpired; that I am of the Age of _____ Years; that I
am willing to be transferred from the Infantry [or as the Case may be]
of Her Majesty's Indian Forces to the 101st Regiment Royal Bengal
Fusiliers [or as the Case may be] of Her Majesty's Army, for the
unexpired Residue of my Term of Service; and to accept, according
to the Terms of a General Order of His Excellency the Governor-
General of India in Council, No. 332, of the 10th Day of April 1861,
the Bounty of Rupees _____ upon such Transfer;
and that I will serve Her Majesty, Her Heirs and Successors, for the
said unexpired Term of _____ Years and _____
Months

Months from this Date, provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

Declared before me,

_____ *Signature of Justice of the Peace or Magistrate.*

Enlistment in India.

A

B I L L

To render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons.

(Prepared and brought in by
Mr. Baring, Sir Charles Wood, and The
Judge Advocate.)

Ordered, by The House of Commons, to be Printed,
12 July 1861.

[Bill 247.]

Under 1 oz.

6 March 1862. 25 VICT.



A

B I L L

FOR

Extending the Operation of Orders made under
“The Industrial Schools Act, 1861,” and “The
Industrial Schools (Scotland) Act, 1861.”

WHEREAS by “The Industrial Schools Act, 1861,” and Preamble.
“The Industrial Schools (Scotland) Act, 1861,” Powers
are given to Justices in England and to Magistrates in
Scotland to send destitute and refractory Children to Industrial
5 Schools for such Periods as they may think necessary, for their
Education and Training; but Doubts are entertained how far such
Acts can be carried into operation, by reason of their Duration being
limited to the First Day of January One thousand eight hundred and
sixty-four: And whereas it is expedient that Effect should be given
10 to Orders made for sending Children to School during the Subsistence
of the Powers for that Purpose given by the said Acts: Be it enacted
by the Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
15 as follows:

1. All Orders made or to be made under either of the said Acts Continuance
of Orders
made under
before the First Day of January One thousand eight hundred and
[Bill 31.] sixty-

the Industrial Schools Acts.

sixty-four, and all the Provisions of the said Acts, so far as is necessary for giving complete Effect to such Orders, shall continue in force after the *First Day of January One thousand eight hundred and sixty-four*, in the same Manner in all respects as if the Provisions limiting the Duration of the said Acts to the First Day of 5 January One thousand eight hundred and sixty-four had not been enacted.

24 March 1862. 25 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Continuing for a further limited Time, and for
extending the Operation of Orders made under,
“The Industrial Schools Act, 1861,” and “The
Industrial Schools (Scotland) Act, 1861.”

WHEREAS by “The Industrial Schools Act, 1861,” and Preamble.
“The Industrial Schools (Scotland) Act, 1861,” Powers
are given to Justices in England and to Magistrates in
Scotland to send destitute and refractory Children to Industrial
5 Schools for such Periods as they may think necessary, for their
Education and Training; but Doubts are entertained how far such
Acts can be carried into operation, by reason of their Duration being
limited: And whereas it is expedient that the Duration of the said
Acts should be extended, and Effect should be given to Orders
10 made for sending Children to School during the Subsistence of the
Powers for that Purpose given by the said Acts: Be it enacted
by the Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
15 as follows:

[Bill 60.]

1. “The

Continuance
of Acts and
of Orders
made under
the Indus-
trial Schools
Acts.

1. "The Industrial Schools Act, 1861," and "The Industrial Schools (Scotland) Act, 1861," shall respectively continue in force until the First Day of January One thousand eight hundred and sixty-seven, and no longer: Provided that all Orders made or to be made under either of the said Acts before the First Day of January 5 One thousand eight hundred and sixty-seven, and all the Provisions of the said Acts, so far as is necessary for giving complete Effect to such Orders, shall continue in force after the First Day of January One thousand eight hundred and sixty-seven, in the same Manner in all respects as if the Duration of the said Acts were not limited to the 10 First Day of January One thousand eight hundred and sixty-seven.

18 March 1862. 25 VICT.



A

B I L L

FOR

The better Government of the Inns of Court, and for the Discipline of the Bar.

WHEREAS it is desirable to amend the Constitution of the Preamble.
Four Inns of Court, that is to say, the Honourable
Societies of Lincoln's Inn, the Middle Temple, the Inner
Temple, and Gray's Inn, for the Purpose of giving to the Barristers
5 of those Societies a Share in and Control over their Government and
the Administration of their Property and Affairs, and also to provide
a fit Tribunal, with the necessary Powers, for maintaining the Disci-
pline of the Bar, and hearing and determining Questions relating
thereto: Be it enacted by the Queen's most Excellent Majesty, by
10 and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, as follows:

1. That on the *Seventh Day of Trinity Term* in the present
Year *Five* Barristers shall be chosen by and from among the
15 Barristers of each of the Societies of Lincoln's Inn, the Middle
Temple, the Inner Temple, and Gray's Inn, to be Benchers or
Masters of the Bench of such Societies respectively.
- Five Barris-
ters to be
chosen from
each of the
Four Inns
of Court to
be Benchers.

[Bill 43.]

A

2. It

Judges to make Regulations for Elections of Benchers and Auditors.

2. It shall be lawful for the Judges of the Superior Courts of Common Law, or any *Three* of them, and they are hereby required, to make Regulations for conducting all Elections of Benchers and Auditors under the Provisions of this Act.

Not lawful for Benchers to call any Person to the Bench until Number of Benchers reduced.

3. It shall not be lawful for the Benchers of any Inn of Court 5 to call any Person to the Bench of such Inn of Court until the Number of the Masters of the Bench of such Inn of Court holding the Office of Bencher on the First Day of Easter Term in the present Year shall be reduced by Death or otherwise to *Fifteen*, or in the Case of Lincoln's Inn to *Twenty*.

10

Until Number of Benchers reduced, Benchers to be elected by Barristers not exceeding Fifteen or for Lincoln's Inn Twenty.

4. Until the Number of such Benchers shall be reduced to *Fifteen* or *Twenty*, as aforesaid, the Vacancies which shall first occur not exceeding *Twenty*, or in the Case of Lincoln's Inn *Twenty-five*, among the Persons holding the Office of Bencher in each of the said Four Inns of Court on the *First* Day of Easter Term in the 15 present Year, shall be filled up by the Election of Benchers by and from among the Barristers of the Inn of Court in which such Vacancy shall occur; and any Vacancy occurring in future by Death or otherwise among such *Twenty* or *Twenty-five* Benchers so elected shall in like Manner be from Time to Time filled up by 20 Election by and from among the Barristers of the Inn of Court in which such Vacancy shall occur; and the said Number of *Twenty* or *Twenty-five* Benchers elected by the Barristers shall always in future be kept up, so that there shall always in future be *Twenty* or *Twenty-five* Benchers in each Inn of Court respectively as aforesaid 25 (not including the *Five* or *Ten* Benchers directed to be elected in the present Year only, as aforesaid, or their Survivors), elected by and from among the Barristers of such Inn.

After the Number of Benchers has been reduced Vacancies among the Residue to be filled by Election by the Benchers.

5. After the Number of the Benchers of any of the said Inns of Court holding the Office of Bencher on the First Day of Easter 30 Term in the present Year shall have been reduced to *Fifteen*, or in the Case of Lincoln's Inn to *Twenty*, as aforesaid, any Vacancies from Time to Time occurring among such Residue of *Fifteen* or *Twenty* shall be filled up, and the said Number shall in future always be kept up, by Election by the Benchers from among the Barristers of 35 such Inn, so that there shall never be less than *Fifteen* or in the Case of Lincoln's Inn *Twenty* Benchers in each of the said Inns of Court elected by the Benchers of such Inn, and that after the Reduction of the Number of Benchers not elected by the Barristers to *Fifteen* or *Twenty* as aforesaid the Bench of such Inn of Court shall consist of 40 *Twenty* and in the Case of Lincoln's Inn *Twenty-five* Masters of the Bench elected by the Barristers, and *Fifteen* and in the Case of Lincoln's

Lincoln's Inn *Twenty* elected by the Benchers of such Inn, not including the *Five* or *Ten* Benchers to be first elected by the Barristers in the present Year as aforesaid, or the Survivors of them.

6. No Bencher shall be elected and no Person shall be called to
5 the Bench except under the Provisions of this Act.

No Bencher to be created except under this Act.

7. The Benchers of each of the said Four Inns of Court shall at the First Council, Parliament, or Pension held in Michaelmas Term in the present Year elect from among themselves *Three* Masters of the Bench, and the *Twelve* Masters of the Bench so elected shall
10 constitute and be called the Council of Discipline and Appeal of the Four Inns of Court, and all Vacancies occurring in such Council shall from Time to Time be filled up by the Election of a Bencher by and from among the Benchers of the Inn of which the Person making such Vacancy shall be a Member at the First Council,
15 Parliament, or Pension held after such Vacancy.

Benchers of each Inn to elect Three Benchers to form Council of Discipline.

8. It shall be lawful for and such Council shall have Power to hear and determine all Charges and Complaints connected with the Practice and Duties of the Legal Profession against any Barrister, and such Council shall have the sole and exclusive Power to disbar
20 any Barrister whom such Council shall find guilty of any Offence deserving such Punishment, or to suspend any such Barrister from Practice for such Time as they shall think proper; and also the said Council shall have Power to hear and determine Appeals from the Benchers of any of the Four Inns of Court in all Cases where such
25 Benchers have refused to admit any Student or to call any Student to the Bar; but in every Case an Appeal shall lie from the Decision of the Council to the Judges of the Superior Courts of Common Law.

Council of Discipline to determine Complaints against Barristers, and Appeals from the Benchers.

9. The Council of Discipline, and the Judges hearing any Appeal therefrom, shall in all Cases sit in open Court, unless all Parties to
30 the Case shall agree that such Case shall be heard in private; and the Judgments of such Council and of the Judges shall state in Writing the Reasons on which such Judgment is grounded.

Council and Judges on Appeal to hear Cases in open Court except with Consent.

10. It shall be lawful for such Council to frame Rules of Procedure for the Regulation of their Proceedings, and such Rules shall
35 be of full Force and Effect, after they shall have been signed by the Majority of the said Council, and by *Three* of the Judges of the Superior Courts of Common Law, and by Her Majesty's Attorney and Solicitor General; and it shall in like Manner be lawful for the said Council from Time to Time to repeal, alter, or amend any
40 of such Rules, by Order, signed as aforesaid.

Council to frame Rules of Procedure.

Council and Judges to have Power to compel Attendance of Witnesses and Production of Papers and all the Powers of a Court of Record.

11. The said Council, and the Judges sitting on Appeal therefrom, shall have all the Powers of compelling the Attendance of Witnesses, and the Production of Papers and Documents, and of punishing Contempts, and all other the Powers which by Law belong to a Court of Record, and also the Power of administering an Oath or Affirmation, as the Case may be, to any Witness appearing before them. 5

Barristers of each Inn to elect Auditors to audit Accounts of such Inn.

12. It shall be lawful for the Barristers of each Inn of Court, on the *First Day* of Trinity Term in every successive Year, to elect from among themselves *Three* Auditors, who shall have full Power to audit the Accounts of the Inn of Court to which they belong; and such Auditors shall have full Power, by Order under their Hand, to compel the Production of all Books, Accounts, Papers, Vouchers, and other Documents, and the Attendance of Persons required for such Audit, and (if they shall think fit) to administer an Oath or Affirmation, as the Case may be, to any Person appearing or attending before them for the Purposes of such Audit; and any Person refusing or omitting to comply with such Order, or to be sworn or to make Affirmation, or to give Evidence as aforesaid, shall be liable, on Conviction before any Magistrate, to a Fine not exceeding *Fifty Pounds* for every such Offence. 15 20

Auditors to audit Accounts and draw up Report and Balance Sheet, and suspend the same in Hall.

13. The Auditors shall in every Year, at the Time or Times which such Auditors shall appoint, duly audit the Accounts of the Inn of Court for which they are elected, and draw up a Report and prepare a Balance Sheet; and such Report and Balance Sheet, signed by the Auditors, shall be suspended in the Dining Hall of such Inn of Court, so that all Members of the Inn may see and read the same, and shall remain so suspended until the next ensuing Audit of Accounts. 25

No Benchers elected under this Act to hold Bench Chambers.

14. It shall not be lawful for any Benchers elected after the *passing of this Act* to hold Bench Chambers, or to hold any Chambers, without Payment of Rent as such Benchers, nor to derive any Emolument whatsoever from the Office of Benchers; and no Benchers elected after the *passing of this Act* shall be required to pay any Fee, or make any Payment, by reason of his Election, except the Sum of *One hundred Pounds* which he shall be required to pay into the Treasury of the Inn of which he is elected Benchers. 30 35

Persons giving false Evidence to be liable to Penalties of Perjury.

15. Any Person examined before such Council of Discipline or such Auditors as aforesaid who shall wilfully give false Evidence shall be liable to the Penalties of Perjury. 40

4 July 1862. 25 & 26 VICT.



A

B I L L

FOR

The Settlement of a Loan due from the Island of Jamaica to the Imperial Government.

WHEREAS by an Imperial Statute passed in the Session Preamble.
holden in the Second and Third Years of the Reign of
King William the Fourth, Chapter One hundred and
twenty-five, and an Act passed by the Legislature of the Island of
5 Jamaica in the Fourth Year of His said Majesty, the Sum of Two
hundred thousand Pounds was advanced out of the Imperial Exche-
quer for the Benefit of the said Island, and the Repayment of the said
Principal Sum on or before the Fifth Day of February One thousand
eight hundred and forty-four, together with Interest at the Rate of
10 Four Pounds per Centum, was secured by a Charge on the Revenues
of the said Island: And whereas by an Act of the Imperial Parliament,
passed in the Session holden in the Third and Fourth Years of the Reign
of Her present Majesty, Chapter Forty, and an Act of the Legisla-
ture of the said Island, passed in the Seventh Year of the Reign of
15 Her present Majesty, the Time for the Repayment of the said Prin-
cipal Sum was extended to the Fifth Day of February One thousand
eight hundred and fifty-four, on Condition that such Sum should be
paid by Ten equal Instalments of Twenty thousand Pounds each,
[Bill 190.] commencing

commencing on the Fifth Day of February One thousand eight hundred and forty-five, with Interest after the Rate aforesaid, to be computed from the Fifth Day of February One thousand eight hundred and forty-four : And whereas up to the Fifth Day of February One thousand eight hundred and sixty-two there is due on account of the said Loan, in respect of Principal and Interest, a Sum amounting in the whole to Two hundred and forty-nine thousand five hundred and eighty-two Pounds and Twopence : And whereas it has been agreed on the Part of the Imperial Government, in consideration of the Financial Difficulties of the said Island, and with a view of promoting its good and quiet Government, that the Debt so due from the said Island shall be commuted for a Perpetual Annuity of Six thousand four hundred Pounds, payable annually out of the Revenues of the said Island, and to be applied in manner herein-after mentioned : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Commuta-
tion of Debt
for a fixed
Annuity.

1. If within the Period of *One Year* from the Date of the passing of this Act the Legislature of the said Island of Jamaica pass an Act making the Sum of *Six thousand four hundred Pounds* payable annually out of such Revenues of the said Island to such Persons and in such Manner as is herein-after mentioned, and if such Payment is duly made at the Times herein-after mentioned, or within *Forty* Days afterwards, the said Debt of Two hundred and forty-nine thousand five hundred and eighty-two Pounds and Twopence shall be deemed to be extinguished, otherwise the same shall remain in full Force, and shall become payable from and after such Time as the Governor may, by Message to the Legislature of the Island, determine.

Charge
of Annuity.

2. The said Sum of *Six thousand four hundred Pounds* shall be charged by way of Perpetual Annuity on the Duties and Sources of Revenue mentioned in the Schedule annexed hereto.

The Charge so created shall be postponed to the Sum of Thirty thousand Pounds appropriated to the Payment of the Principal and Interest of the Public Debt, and to the Sum of Twenty-five thousand Pounds appropriated to defraying certain Expenses of the Government of the Island, in pursuance of an Act of the Legislature of the said Island passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Twenty-nine, but shall have Priority over all other Charges.

The said Annuity of *Six thousand four hundred Pounds* shall be deemed to become due on the *Thirtieth Day of June* and the *Thirty-first Day of December* in every Year, but shall be paid to such Persons

Persons and at such Time or Times as the Governor of the said Island for the Time being may by Warrant under his Hand from Time to Time direct.

The said Annuity of *Six thousand four hundred Pounds* shall be
5 applied in Payment of such Expenses of the Government of the said
Island and Objects connected therewith, and of the local Improve-
ments therein, as the Governor of the said Island may from Time to
Time direct, in pursuance of such Instructions as may from Time to
Time be issued by One of Her Majesty's Principal Secretaries of
10 State.

3. Save as herein-before provided, and save in the event of the
Conditions of this Act being complied with, nothing herein contained
shall affect or prejudice the Right of the Imperial Government to
recover the Debt so due as aforesaid from the Island of Jamaica, or
15 any Act of the Imperial Government or of the Legislature of the
Island relating thereto.

Saving
Clause.

SCHEDULE.

All Duties or Sums of Money authorized to be collected under
any of the following Acts; that is to say,

Under an Act of the Legislature of the Island of Jamaica, passed
in the Seventeenth Year of the Reign of Her present Majesty,
Chapter Twenty-nine, and intituled "An Act for the better
" Government of this Island, and for raising a Revenue in
" support thereof:"

Under the Thirty-eighth Section of an Act of the Legislature of
the said Island, passed in the Twenty-first Year of the Reign
of Her present Majesty, Chapter Thirty-four, and intituled "An
" Act to provide Funds for the Improvement and Repair of the
" main Roads and Bridges to be transferred to the Management
" of Main Road Commissioners, to appropriate the Land and
" Quit-rent Taxes, and declare the same redeemable for that
" Purpose."

All Duties larger or equal in Amount to the Duties under the first-
mentioned Act which may be collected or raised under any other
Act of the said Legislature.

Jamaica Loan (Settlement).

A

BILL

For the Settlement of a Loan due from
the Island of Jamaica to the Imperial
Government.

*(Prepared and brought in by
Mr. Chichester Fortescue and Mr. Peel.)*

*Ordered, by The House of Commons, to be Printed,
4 July 1862.*

[Bill 190.]

Under 1 oz.



A

B I L L

TO

Amend the Law relating to Judgments, Executions, Statutes, Recognizances, and Lites pendentes.

WHEREAS it is desirable to place Freehold, Copyhold, Preamble,
Customary, and Leasehold Estates on the same Footing
with purely Personal Estates in respect of Judgments,
Executions, Statutes, Recognizances, and Lites pendentes as against
5 Purchasers and Mortgagees: Be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of
the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, as follows:

1. No Judgment, Execution, Statute, or Recognizance to be Future
10 entered up, or Lis pendens to be instituted or registered, after *the* Judgments,
passing of this Act shall affect any Land (of whatever Tenure) as &c. not to
to a bonâ fide Purchaser for valuable Consideration or a Mortgagee, affect Pur-
whether such Purchaser or Mortgagee have Notice or not of any chasers and
such Judgment, Execution, Statute, Recognizance, or Lis pendens. Mortgagees.

15 2. No Judgment, Execution, Statute, or Recognizance already Existing
entered up, or Lis pendens already instituted and registered or Judgments,
re-registered, shall, after the Expiration of *Three Years* after the &c. not to
[Bill 157.] passing affect Pur-
chasers and

Mortgagees
after Three
Years.

passing of this Act, affect any Land (of whatever Tenure) as to a bonâ fide Purchaser for valuable Consideration or a Mortgagee, whether such Purchaser or Mortgagee have Notice or not of any such Judgment, Execution, Statute, Recognizance, or Lis pendens.

Certified
Lists of
Judgments
to be pub-
lished.

3. Upon the *First Day of January* in each of the *Three Years* 5 next ensuing the passing of this Act the Senior Master of the Court of Common Pleas at Westminster shall cause to be printed a List of all Judgments which shall have been registered or re-registered during the *Three* then next preceding Years, and as to which Satisfaction shall not have been entered up, and of all Lites pendentes 10 which shall have been registered or re-registered during the same Period, and shall for a Fee of *Two Shillings and Sixpence* supply to any Person requiring the same a certified Copy of such List, and each such certified Copy shall be conclusive Evidence of the Matters therein stated, and shall be judicially noticed as such. 15

Act to apply
to Courts of
Counties
Palatine.

4. All the Provisions in this Act contained shall extend, mutatis mutandis, to the several Courts of Common Pleas of the County Palatine of Lancaster and of Pleas of the County Palatine of Durham.

Extent of
the Word
"Judgment."

5. In the Construction of the previous Provisions the Term "Judgment" shall be taken to include registered Decrees, Orders of 20 Courts of Equity and Bankruptcy, and other Orders having the Operation of a Judgment.

Act not to
extend to
Ireland.

6. This Act shall not extend to Ireland.

2 April 1862. 25 VICT.



A

B I L L

TO

Further amend the Law concerning Judgments and Recognizances in Ireland.

WHEREAS it is desirable to place the Law respecting Judgments and Recognizances hereafter to be entered up in Ireland on the same Footing with the Law respecting Judgments and Recognizances in England: Be it therefore enacted
5 by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Provisions of this Act shall come into operation on the
10 *First Day of November One thousand eight hundred and sixty-two.* Commence-
ment of the
Act.

2. This Act may be cited as "The Judgment Act (Ireland),
1862." Short Title
of the Act.

3. From and after the *Commencement of this Act*, and so far as
regards any Judgment, Statute, or Recognizance to be entered up
15 after the *Commencement of this Act*, the several Acts and Parts of
Acts set forth in the Schedule hereto are hereby repealed. Repeal of
certain Acts.

[Bill 70.]

A

4. No

Receivers
under the
Judgment
Acts abo-
lished.

4. No Person shall be entitled, after the *Commencement of this Act*, to apply to the Court of Chancery, under the Provisions of the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifty-five, and of an Act passed in the Session of Parliament held in 5 the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five, or under the Provisions of either of the said Acts, for an Order that a Receiver may be appointed over any Lands, Tenements, or Hereditaments in Ireland on Foot of any Judgment, Statute, Recognizance, or Crown Debt, or to have a 10 Receiver previously appointed extended to such Matter: Provided always, that any Proceeding instituted prior to the *Commencement of this Act* may be continued and prosecuted as if this Act had not passed.

Judgment
Mortgages
as regards all
future Judg-
ments
abolished.

5. No Person shall be entitled after the *Commencement of this Act* 15 to register an Affidavit in respect of a Judgment under the Provisions of an Act passed in the Fourteenth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Laws concerning "Judgments in Ireland," or of an Act passed in the Twenty-first and Twenty-second Years of the Reign of Her Majesty the Queen, 20 Chapter One hundred and five.

Sheriff em-
powered to
deliver
Execution of
Lands, &c.
to Judgment
Creditor.

See 3 & 4
Vict. c. 105.
s. 19.

6. It shall be lawful for the Sheriff or other Officer to whom any Writ of Elegit, or any Precept in pursuance thereof, shall be directed, at the Suit of any Person, upon any Judgment which shall be recovered after the Time appointed for the *Commencement of this* 25 *Act*, in any Action in any of Her Majesty's Superior Courts at Dublin, to make and deliver Execution unto the Party in that Behalf suing of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, including Lands and Hereditaments which may be of Copyhold Tenure, as the Person against whom Execution is so 30 sued, or any Person in trust for him, shall have been seised or possessed of at the Time of entering up the said Judgment, or at any Time afterwards, or over which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might, without the Assent of any other 35 Person, exercise for his own Benefit, in like Manner as the Sheriff or other Officer previous to the said Act passed in the Fourth Year of Queen Victoria, Chapter One hundred and five, might have made and delivered Execution of One Moiety of the Lands and Tenements of any Person against whom a Writ of Elegit was sued out, which Lands, 40 Tenements, Rectories, Tithes, Rents, and Hereditaments, by force and virtue of such Execution, shall accordingly be held and enjoyed by the Party to whom such Execution shall be so made and delivered, subject

subject to such Account in the Court out of which such Execution shall have been sued out as a Tenant by Elegit was previous to the said last-mentioned Act subject to in a Court of Equity: Provided always, that such Party suing out Execution, and to whom any
 5 Copyhold Lands may be so delivered in Execution, shall be liable, and is hereby required to make, perform, and render to the Lord of the Manor, or other Person entitled, all such and the like Payments and Services as the Person against whom such Execution shall be issued would have been bound to make, perform, and render in case
 10 such Execution had not issued, and that the Party so suing out such Execution, and to whom any such Copyhold Lands shall have been so delivered in Execution, shall be entitled to hold the same until the Amount of such Payments and the Value of such Services, as well as the Amount of the Judgment, shall have been levied.

15 7. A Judgment to be entered up after the Time appointed for the *Commencement of this Act* against any Person in any of Her Majesty's Superior Courts at Dublin shall operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, including Lands and Hereditaments of Copyhold Tenure, of or to
 20 which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, be seised, possessed, or entitled for any Estate or Interest whatever, at Law or in Equity, whether in possession, reversion, remainder, or expectancy, or over which such Person shall at the Time of entering up such Judgment, or at any
 25 Time afterwards, have any disposing Power which he might, without the Assent of any other Person, exercise for his own Benefit, and shall be binding as against the Person against whom Judgment shall be so entered up, and against all Persons claiming under him, after such Judgment, and shall also be binding as against the Issue of his
 30 Body, and all other Persons whom he might, without the Assent of any other Person, cut off and debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments; and every Judgment Creditor shall have such and the same Remedies in a
 35 Court of Equity against the Hereditaments so charged by virtue of this Act, or any Part thereof, as he would be entitled to in case the Person against whom such Judgment shall have been so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same with the Amount of
 40 such Judgment Debt and Interest thereon: Provided that no Judgment Creditor shall be entitled to proceed in Equity to obtain the Benefit of such Charge until after the Expiration of *One Year* from the Time of entering up such Judgment, nor shall such Charge operate to give the Judgment Creditor any Preference in case of the

Judgment to operate as a Charge on Real Estates. See 3 & 4 Vict. c. 105. s. 22. 13 & 14 Vict. c. 29. s. 12.

Bankruptcy of the Person against whom Judgment shall have been entered up, unless such Judgment shall have been entered up *One Year* at least before the Bankruptcy: Provided also, that nothing herein contained shall be deemed or taken to alter or affect any Doctrine of Courts of Equity whereby Protection is given to 5 Purchasers for valuable Consideration without Notice: Provided also, that no Judgment shall operate as a Charge upon any Estate or Interest in Lands, Tenements, or Hereditaments vested in any Person against whom such Judgment is entered up, or subject to his Power of Disposition by way of Mortgage or otherwise, as a Security 10 for the Payment of Money, or by way of Lien or Charge, not being a Rent or Rentcharge.

Land affected by a Judgment may be sold in Landed Estate Court by the Creditor.

8. When any Land in Ireland shall be affected by a Judgment, the same shall be deemed an Incumbrance within the Meaning of an Act passed in the Twenty-second Year of Her Majesty Queen 15 Victoria, intituled "An Act to facilitate the Sale and Transfer of " Land in Ireland."

Right to sell Land, &c. relinquished by taking the Person in Execution. See 3 & 4 Vict. c. 105. s. 25.

9. If any Judgment Creditor, who under the Provisions of this Act shall have obtained any Charge or be entitled to the Benefit of any Security whatever, shall afterwards, and before the Property 20 so charged or secured shall have been converted into Money or realized, and the Produce thereof applied towards Payment of the Judgment Debt, cause the Person of the Judgment Debtor to be taken or charged in Execution upon such Judgment, then and in such Case such Judgment Creditor shall be deemed and taken to 25 have relinquished all Right and Title to the Benefit of such Charge or Security, and shall forfeit the same accordingly.

Judgment Debts to carry Interest.

See 3 & 4 Vict. c. 105. s. 26.

10. Every Judgment Debt due upon any Judgment not confessed or recovered for any penal Sum for securing Principal and Interest shall carry Interest at the Rate of *Four Pounds* per Centum per 30 Annum from the Time of entering up the Judgment until the same shall be satisfied, and such Interest may be levied under a Writ of Execution on such Judgment.

Decrees and Orders of Courts of Equity, &c. to have Effect of Judgments. See 3 & 4 Vict. c. 105. s. 27.

11. All Decrees and Orders of the Court of Chancery in Ireland, and all Rules of any of the Superior Courts of Common Law, 35 and all Orders of the Lord Chancellor or Master of the Rolls, or of the Court of Bankruptcy and Insolvency in Ireland, and all Orders of the Lord Chancellor in Matters of Lunacy, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, shall have the Effect of Judgments in the Superior Courts of 40 Common Law, and the Persons to whom any such Monies, or Costs, Charges,

Charges, or Expenses shall be payable, shall be deemed Judgment Creditors within the Meaning of this Act, and all Remedies hereby given to Judgment Creditors are in like Manner given to Persons to whom any Monies, or Costs, Charges, or Expenses, are by such Orders
5 or Rules respectively directed to be paid.

12. Provided always, That no Judgment, Decree, or Order of the Court of Chancery, nor any Rule of a Court of Common Law, nor any Order of the Court of Bankruptcy and Insolvency, nor any Order in Bankruptcy or Lunacy, shall by virtue of this Act affect any
10 Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a like Memorandum or Minute as is required for a Registry thereof under the Act passed in the Eighth Year of Her Majesty Queen Victoria, Chapter Ninety, be left with the proper Officer appointed under that Act within the Time thereby
15 limited, and unless, after the Expiration of *Five* Years from the Date of such Registry, a like Memorandum or Minute as was required in the first instance be again left with such Officer as aforesaid, within the Period limited by the said Act passed in the Fourteenth Year of the Reign of Her Majesty Queen Victoria, Chapter Twenty-nine.

No Judgment or Decree, &c. to affect Real Estate as to Purchasers, &c. until registered.
See 3 & 4 Vict. c. 105. s. 28.
7 & 8 Vict. c. 90.
13 & 14 Vict. c. 29.

13. Such new or altered Writs shall be sued out of the Courts of Law, Equity, and the Court of Bankruptcy and Insolvency, as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such
20 Forms as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit, and any existing Writ, the Form of which shall be in any Manner altered in pursuance of this Act, shall
30 nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

New Writs to be framed.
See 3 & 4 Vict. c. 105. s. 29.

14. No Judgment, Statute, or Recognizance to be entered up after the Time appointed for the *Commencement of this Act* shall
35 affect any Land, of whatever Tenure, as to a bonâ fide Purchaser for valuable Consideration or a Mortgagee, whether such Purchaser or Mortgagee have Notice or not of any such Judgment, Statute, or Recognizance, unless a Writ or other due Process of Execution of such Judgment, Statute, or Recognizance shall have been issued and
40 registered as herein-after is mentioned before the Execution of the Conveyance or Mortgage to him, and the Payment of the Purchase or Mortgage Money by him: Provided always, that no Judgment,

Future Judgments and Recognizances shall not bind Purchasers unless Writs of Execution thereof be registered.
See 23 & 24 Vict. c. 38. s. 1.

Statute, or Recognizance to be entered up after the *passing of this Act*, nor any Writ of Execution or other Process thereon, shall affect any Land, of whatever Tenure, as to a *bonâ fide* Purchaser or Mortgagee, although Execution or other Process shall have issued thereon, and have been duly registered, unless such Execution or 5 other Process shall be executed and put in force within *Three* Calendar Months from the Time when it was registered.

Mode of
registering.

15. The Registry herein-before required of any Writ of Execution or other due Process on any Judgment, Statute, or Recognizance, in order to bind a Purchaser or Mortgagee, shall be made by a 10 Memorandum or Minute referring to the Judgment, Statute, or Recognizance already registered so as to connect the Registry of the Writ of Execution or other Process therewith, *such Memorandum or Minute to be impressed with a Stamp Duty of Five Shillings*, and to be left with the proper Officer appointed under the said Act 15 passed in the Eighth Year of Her Majesty Queen Victoria, Chapter Ninety, who shall forthwith enter the Particulars in a Book in Alphabetical Order, by the Name of the Person in whose Behalf the Judgment, Statute, or Recognizance upon which the Writ of Execution or other Process issued was registered, and also the Year and the 20 Day of the Month when every such Memorandum or Minute is left with him; and all Persons shall be at liberty to search the same Book in addition to all the other Books in the same Office, on Payment of the Fee properly payable on every Requisition for Liberty to search in the Books of the said Office, according to the Provisions 25 of the Act in that Case made and provided.

Provision
for Protec-
tion of Heirs
and Execu-
tors against
unregistered
Judgments.

16. And whereas by an Act passed in the Third Year of the Reign of His late Majesty King George the Second, intituled "An 30 " Act for the better Discovery of Judgments in the Courts of King's Bench, Common Pleas, and Exchequer at Dublin, and for the " greater Security of Purchasers," it was enacted, that Judgments should, as against Purchasers or Mortgagees, be Judgments only from the Time of their being docketed and entered in Books in the Manner thereby provided, and should not have any Preference 35 against Heirs, Executors, or Administrators in the Administration of their Ancestors, Testators, or Intestates Estates, but from the Time aforesaid: And whereas by several later Acts, including the said Act passed in the Eighth Year of Her Majesty, Chapter Ninety, Judgments are required to be registered with more Particulars than were required by the said recited Act, and it is by the said Act passed 40 in the Eighth Year of Her Majesty enacted, that Judgments not so registered shall not affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until the

the same shall be registered in manner thereby required, and in obedience to a Direction in the said last-mentioned Act contained the Dockets existing under the said first-recited Act have been finally closed: And whereas the said several later Acts do not
 5 expressly enact that Judgments not docketed as thereby required shall not have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates, in consequence whereof Doubts have arisen whether or not such Heirs, Executors, or Administrators have lost the Protection
 10 which they enjoyed under the said first-recited Act, and it is expedient that such Doubts should be removed: Be it therefore enacted and declared, That no Judgment which has not already been or which shall not hereafter be entered or docketed under the several Acts now in force, and which passed subsequently to the said Act of the Third
 15 Year of King George the Second, so as to bind Lands, Tenements, or Hereditaments as against Purchasers, Mortgagees, or Creditors, shall have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates.

20 17. No Judgments which since the passing of the said Act passed in the Eighth Year of the Reign of Her Majesty Queen Victoria, Chapter Ninety, have been registered under the Provisions therein contained, or which shall hereafter be so registered, shall have any Preference against Heirs, Executors, or Administrators in their
 25 Administration of their Ancestors, Testators, or Intestates Estates, unless at the Death of the Testator or Intestate *Five* Years shall not have elapsed from the Date of the Entry thereof on the Docket, or from the only or last Re-registry thereof, as the Case may be, which Re-registry from Time to Time is hereby authorized to be
 30 made in manner directed by the Act of the Thirteenth and Fourteenth Years of Queen Victoria, Chapter Twenty-nine, Sections Three and Four; but it shall be deemed sufficient to secure such Preference as aforesaid if such a Memorandum as was required in the first instance is again left with the proper Officer appointed under the said
 35 Act of the Seventh and Eighth Years of Queen Victoria, Chapter Ninety, within *Five* Years before the Death of the Testator or Intestate, although more than *Five* Years shall have expired by Effluxion of Time since the last previous Registration before such last-mentioned Memorandum or Minute was left, and so toties quoties upon every
 40 Re-registry.

Judgments as against Heirs and Executors to be re-registered.

18. In the Construction of the previous Provisions the Term "Judgment" shall be taken to include registered Decrees, Orders of
 [Bill 70.] A 4 Extent of the Word "Judgment." Courts

Courts of Equity, and of the Court of Bankruptcy and Insolvency, and other Orders having the Operation of a Judgment.

Extent of
the Act. 19. This Act shall extend to Ireland only.

SCHEDULE.

Acts to be repealed, so far as in the foregoing Act declared.

Date of Act.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4. c. 55.	An Act for facilitating the Appointment of Sheriffs in Ireland, and the more effectual Audit and passing of their Accounts, &c.	Section 31, save so far as it abolished Custodiams. Sections 32, 33, 34, 35, 36, 37, and 38.
3 & 4 Vict. c. 105.	An Act for the Abolition of Arrest on Mesne Process.	Sections 19, 21, 22.
12 & 13 Vict. c. 95.	An Act to amend the Law concerning Judgments in Ireland.	Entire Act, except Sections 1 and 11.
13 & 14 Vict. c. 29.	An Act to amend the Law concerning Judgments in Ireland.	Entire Act, except Sections 3, 4, 5, 9.
21 & 22 Vict. c. 105.	An Act to amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in Ireland.	The entire Act, save Section 5.

10 July 1862. 25 & 26 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Further amend the Law concerning Judgments
and Recognizances in Ireland.

WHEREAS it is desirable to place as far as practicable the Preamble.
Law respecting Judgments and Recognizances hereafter
to be entered up in Ireland on the same Footing with the
Law respecting Judgments and Recognizances in England: Be it
5 therefore enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

1. The Provisions of this Act shall come into operation on the Commence-
10 Thirty-first Day of December One thousand eight hundred and ment of the
sixty-two, which Day is herein referred to as the Commencement of Act.
this Act.

2. This Act may be cited as "The Judgment Act (Ireland), Short Title
1862." of the Act.

15 3. From and after the Commencement of this Act, the several Acts Repeal of
and Parts of Acts set forth in the Schedule hereto are hereby repealed, certain Acts.
so far as regards any Judgment, Statute, or Recognizance to be
entered up after the Commencement of this Act.

[Bill 203.]

A

4. No

Receivers
under the
Judgment
Acts abo-
lished.

4. No Person shall be entitled after the Commencement of this Act to apply to the Court of Chancery, under the Provisions of the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifty-five, and of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five, or under the Provisions of either of the said Acts, for an Order that a Receiver may be appointed over any Lands, Tenements, or Hereditaments in Ireland on Foot of any Judgment or Recognizance, or to have a Receiver previously appointed extended to such Matter: Provided always, that any Proceeding instituted prior to the Commencement of this Act may be continued and prosecuted as if this Act had not passed.

Judgment
Mortgages
as regards all
future Judg-
ments
abolished.

5. No Person shall be entitled after the Commencement of this Act to register an Affidavit in respect of a Judgment under the Provisions of an Act passed in the Fourteenth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Laws concerning Judgments in Ireland," or of an Act passed in the Twenty-first and Twenty-second Years of the Reign of Her Majesty the Queen, Chapter One hundred and five.

Judgment to
operate as a
Charge on
Real Estates.
See 3 & 4
Vict. c. 105.
s. 22.
13 & 14 Vict.
c. 29. s. 12.

6. A Judgment to be entered up after the Time appointed for the Commencement of this Act against any Person in any of Her Majesty's Superior Courts at Dublin shall operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, including Lands and Hereditaments of Copyhold Tenure, of or to which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, be seised, possessed, or entitled for any Estate or Interest whatever, at Law or in Equity, whether in possession, reversion, remainder, or expectancy, or over which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might, without the Assent of any other Person, exercise for his own Benefit, and a Judgment which since the Fifteenth Day of July One thousand eight hundred and fifty, and prior to the Commencement of this Act, shall have been entered up against any Person in any of the said Courts, and shall not have been registered as a Mortgage against any Lands of the Debtor, shall operate as a Charge from the Commencement of this Act upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, of whatever Tenure, of or to which such Person shall at the Commencement of this Act, or at any Time after, be seised, possessed of, or entitled to, in manner aforesaid, or which he shall be in manner aforesaid empowered to charge; and the said Judgments shall be binding as against the Person against

against whom Judgment shall be or shall have been so entered up, and against all Persons claiming under him, after such Judgment, save as is herein-after mentioned, and shall also be binding as against the Issue of his Body, and all other Persons whom he might, without the
5 Assent of any other Person, cut off and debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments; and every such Judgment Creditor shall have such and the same Remedies in a Court of Equity against the Hereditaments so
10 charged by virtue of this Act, or any Part thereof, as he would be entitled to in case the Person against whom such Judgment shall be or shall have been so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same with the Amount of such Judgment
15 Debt and Interest thereon: Provided that no Judgment Creditor shall be entitled to proceed in Equity to obtain the Benefit of such Charge until after the Expiration of One Year from the Time of entering up such Judgment, nor shall such Charge operate to give the Judgment Creditor any Preference in case of the
20 Bankruptcy of the Person against whom Judgment shall have been entered up, unless such Judgment shall have been entered up One Year at least before the Bankruptcy: Provided also, that nothing herein contained shall be deemed or taken to alter or affect any Doctrine of Courts of Equity whereby Protection is
25 given to Purchasers for valuable Consideration without Notice.

7. When any Land in Ireland is or shall be affected by a Judgment, the same shall be deemed an Incumbrance within the Meaning of an Act passed in the Twenty-second Year of Her Majesty Queen Victoria, intituled "An Act to facilitate the Sale and Transfer of Land affected by a Judgment may be sold in Landed Estate Court by the

30 " Land in Ireland."

8. If any Judgment Creditor, who under the Provisions of this Act shall have obtained any Charge or be entitled to the Benefit of any Security whatever, shall afterwards, and before the Property so charged or secured shall have been converted into Money or realized, and the Produce thereof applied towards Payment of the Judgment Debt, cause the Person of the Judgment Debtor to be taken or charged in Execution upon such Judgment, then and in such Case such Judgment Creditor shall be deemed and taken to have relinquished all Right and Title to the Benefit of such Charge or Security, and shall forfeit the same accordingly.

9. All Decrees and Orders of the Court of Chancery in Ireland, and all Rules of any of the Superior Courts of Common Law, [203.] A 2 and Decrees and Orders of Courts of

and all Orders of the Lord Chancellor or Master of the Rolls, or of the Court of Bankruptcy and Insolvency in Ireland, and all Orders of the Lord Chancellor in Matters of Lunacy, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, shall have the Effect of Judgments in the Superior Courts of 5 Common Law, and the Persons to whom any such Monies, or Costs, Charges, or Expenses shall be payable, shall be deemed Judgment Creditors within the Meaning of this Act, and all Remedies hereby given to Judgment Creditors are in like Manner given to Persons to whom any Monies, or Costs, Charges, or Expenses, are by such Orders 10 or Rules respectively directed to be paid.

New Writs
to be
framed.
See 3 & 4
Vict. c. 105.
s. 29.

10. Such new or altered Writs shall be sued out of the Courts of Law, Equity, and the Court of Bankruptcy and Insolvency, as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such 15 Forms as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit, and any existing Writ, the Form of 20 which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

Future
Judgments
shall not
bind Pur-
chasers
unless Writs
of Execu-
tion thereon
or a Suit
for Sale be
registered.
See 23 & 24
Vict. c. 38.
s. 1.

11. No Judgment entered up since the Fifteenth Day of July One 25 thousand eight hundred and fifty, or which shall hereafter be entered up, shall affect any Land, of whatever Tenure, as to a bonâ fide Purchaser for valuable Consideration or a Mortgagee, whether such Purchaser or Mortgagee have Notice or not of any such Judgment, unless before the Execution of the Conveyance or Mortgage to him, 30 and the Payment of the Purchase or Mortgage Money by him, a Writ of Fieri facias under which the said Land may be sold shall have been issued on such Judgment, and registered as is herein-after mentioned, or a Petition for the Sale of the said Land on foot of such Judgment shall have been duly presented to the Court of Chancery 35 or to the Landed Estates Court in Ireland, and shall have been duly registered as a Lis pendens (in which latter Case such Purchaser or Mortgagee shall be subject to and bound by any Decree or Order respecting Land which shall be made in such Suit): Provided always, that no such Judgment, nor any Writ of Execution thereon, shall 40 affect any Land, of whatever Tenure, as to a bonâ fide Purchaser or Mortgagee, (although such Writ of Execution shall have issued thereon, and have been duly registered,) unless such Writ shall be executed

executed and put in force within Three Calendar Months from the Time when it was registered.

12. The Registry herein-before required of any Writ of Execution on any Judgment, in order to bind a Purchaser or Mortgagee, shall be made by a Memorandum or Minute referring to the Judgment already registered so as to connect the Registry of the Writ of Execution or other Process therewith, *such Memorandum or Minute to be impressed with a Stamp Duty of Five Shillings*, and to be left with the proper Officer appointed under the Act passed in the Eighth Year of Her Majesty Queen Victoria, Chapter Ninety, who shall forthwith enter the Particulars in a Book in Alphabetical Order, by the Name of the Person in whose Behalf the Judgment upon which the Writ of Execution issued was registered, and also the Year and the Day of the Month when every such Memorandum or Minute is left with him; and all Persons shall be at liberty to search the same Book in addition to all the other Books in the same Office, on Payment of the Fee properly payable on every Requisition for Liberty to search in the Books of the said Office, according to the Provisions of the Act in that Case made and provided.

13. And whereas by an Act passed in the Third Year of the Reign of His late Majesty King George the Second, intituled "An Act for the better Discovery of Judgments in the Courts of King's Bench, Common Pleas, and Exchequer at Dublin, and for the greater Security of Purchasers," it was enacted, that Judgments should, as against Purchasers or Mortgagees, be Judgments only from the Time of their being docketed and entered in Books in the Manner thereby provided, and should not have any Preference against Heirs, Executors, or Administrators in the Administration of their Ancestors, Testators, or Intestates Estates, but from the Time aforesaid: And whereas by several later Acts, including the said Act passed in the Eighth Year of Her Majesty, Chapter Ninety, Judgments are required to be registered with more Particulars than were required by the said recited Act, and it is by the said Act passed in the Eighth Year of Her Majesty enacted, that Judgments not so registered shall not affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until the same shall be registered in manner thereby required, and in obedience to a Direction in the said last-mentioned Act contained the Dockets existing under the said first-recited Act have been finally closed: And whereas the said several later Acts do not expressly enact that Judgments not docketed as thereby required shall not have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates,

Mode of registering.

Provision for Protection of Heirs and Executors against unregistered Judgments.

Estates, in consequence whereof Doubts have arisen whether or not such Heirs, Executors, or Administrators have lost the Protection which they enjoyed under the said first-recited Act, and it is expedient that such Doubts should be removed: Be it therefore enacted and declared, That no Judgment which has not already been or which shall 5 not hereafter be entered or docketed under the several Acts now in force, and which passed subsequently to the said Act of the Third Year of King George the Second, so as to bind Lands, Tenements, or Hereditaments as against Purchasers, Mortgagees, or Creditors, shall have any Preference against Heirs, Executors, or Administrators 10 in their Administration of their Ancestors, Testators, or Intestates Estates.

Judgments
as against
Heirs and
Executors to
be re-regis-
tered.

14. No Judgments which since the passing of the said Act passed in the Eighth Year of the Reign of Her Majesty Queen Victoria, Chapter Ninety, have been registered under the Provisions therein 15 contained, or which shall hereafter be so registered, shall have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates, unless at the Death of the Testator or Intestate Five Years shall not have elapsed from the Date of the Entry thereof on the Docket, 20 or from the only or last Re-registry thereof, as the Case may be, which Re-registry from Time to Time is hereby authorized to be made in manner directed by the Act of the Thirteenth and Fourteenth Years of Queen Victoria, Chapter Twenty-nine, Sections Three and 25 Four; but it shall be deemed sufficient to secure such Preference as aforesaid if such a Memorandum as was required in the first instance is again left with the proper Officer appointed under the said Act of the Seventh and Eighth Years of Queen Victoria, Chapter Ninety, within Five Years before the Death of the Testator or Intestate, although more than Five Years shall have expired by Effluxion of 30 Time since the last previous Registration before such last-mentioned Memorandum or Minute was left, and so toties quoties upon every Re-registry.

Recogni-
zances and
CrownDebts
to be re-
registered
every Five
Years.

15. From and after the Commencement of this Act, the Provisions for Re-registry of Judgments, Decrees, or Orders, Rules or Orders, 35 contained in the Act of the Session of the Thirteenth and Fourteenth Years of Queen Victoria, Chapter Twenty-nine, shall extend and apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office as is by Section Eleven of the Statute Seventh and Eighth Victoria, Chapter Ninety, required 40 to be registered, so that it shall be obligatory on the Crown, in order to bind the Lands, Tenements, and Hereditaments of its Debtors or Accountants, as against Purchasers, Mortgagees, or Creditors becoming

- ing such after the Thirty-first Day of December One thousand eight hundred and sixty-two, to re-register, in like Manner as it is obligatory on a private Person, and so that Notice of any such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of
- 5 Office, not duly re-registered, shall not avail against Purchasers, Mortgagees, or Creditors becoming such after the Thirty-first Day of December One thousand eight hundred and sixty-two, as to Lands, Tenements, or Hereditaments; and this Provision shall apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation,
- 10 Specialty, or Acceptance of Office as has been registered under the Provisions contained in the said Act of the Seventh and Eighth Victoria, Chapter Ninety, or under the Provisions contained in the Act Eleventh and Twelfth Victoria, Chapter One hundred and twenty, Section Thirteen, or as shall be hereafter so registered.
- 15 16. In the Construction of the previous Provisions the Term "Judgment" shall be taken to include registered Decrees, Orders of Courts of Equity, and of the Court of Bankruptcy and Insolvency and other Orders having the Operation of a Judgment. Extent of the Word "Judgment."
- 20 17. Every Person holding any Office or Employment in the Offices of Her Majesty's Courts of Chancery or Common Law in Ireland, who shall by the Operation of this Act be deprived of any Emolument, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Twelve Calendar Months after the Commencement of this Act; and it shall be lawful for the
- 25 said Commissioners, having regard to the Advantages, if any, accruing to such Claimant from the Operation of this Act, and to all the other Circumstances of each such Case, to award such Compensation to such Officer as they shall think just, *the same to be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.* Compensation to Officers deprived of Emolument by the Act.
- 30 18. This Act shall extend to Ireland only. Extent of the Act.

SCHEDULE.

Acts to be repealed, so far as in the foregoing Act declared.

Date of Act.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4. c. 55.	An Act for facilitating the Appointment of Sheriffs in Ireland, and the more effectual Audit and passing of their Accounts, &c.	Section 31, save so far as it abolished Custodiams. Sections 32, 33, 34, 35, 36, 37, and 38.
3 & 4 Vict. c. 105.	An Act for the Abolition of Arrest on Mesne Process.	Sections 19, 21, 22.
12 & 13 Vict. c. 95.	An Act to amend the Law concerning Judgments in Ireland.	Entire Act, except Sections 1 and 11.
13 & 14 Vict. c. 29.	An Act to amend the Law concerning Judgments in Ireland.	Entire Act, except Sections 3, 4, 5, 9, 12.
21 & 22 Vict. c. 105.	An Act to amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in Ireland.	The entire Act, save Section 5.

Judgments Law Amendment (Ireland).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To further amend the Law concerning Judgments and Recognizances in Ireland.

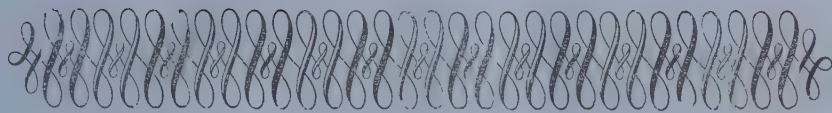
(Prepared and brought in by
Mr. Whiteside and Mr. George.)

Ordered, by the House of Commons, to be Printed,
10 July 1862.

[Bill 203.]

Under 1 oz.

10 April 1862. 25 VICT.



A

B I L L

TO

Give greater Facilities for summoning Persons to serve on Juries, and for other Purposes relating thereto.

WHEREAS it is expedient to amend an Act passed in the Preamble.
Session of Parliament holden in the Sixth Year of the
Reign of His late Majesty King George the Fourth,
intituled "An Act for consolidating and amending the Laws relative 6 G. 4. c. 50.
5 " to Jurors and Juries," and also to give greater Facilities for sum-
moning Persons to serve on any Jury: Be it enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, as follows:

10 **1.** This Act may be cited as "The Juries Act, 1862," and shall Short Title
be construed with and as Part of the said recited Act, herein-after of Act, &c.
termed the Principal Act.

2. All the Provisions of the Principal Act relating to the Func- Provisions
tions of High Constables shall be and are hereby repealed, except as to High
15 as to any Liabilities incurred before such Repeal, and the Duties of Constables
High Constables as set forth in the Principal Act shall cease and repealed.
determine.

[Bill 86.]

A

3. The

Clerk of the
Peace to
issue Pre-
cepts to
Parish
Officers by
Post.

3. The Clerk of the Peace in every County, Riding, and Division in England and Wales shall on or before the *Twentieth Day of July* in every Year issue his Precept (in the Form set forth in the Schedule to this Act, or as near thereto as may be,) to the Churchwardens and Overseers of the Poor of the several Parishes, and to the Overseers 5 of the Poor of the several Townships, within the County, Riding, or Division for which he acts, requiring them to make out before the *First Day of September* then next ensuing a true List of all Men residing within their respective Parishes and Townships qualified and liable to serve on Juries according to the principal Act, and also to 10 perform and comply with all other the Requisitions in the said Precepts contained, and forward the same, together with a competent Number of Returns for the Use of the respective Persons by whom such Returns are to be made, by Post in a registered Letter having the Words "Jury Precept" legibly written or printed on the Outside 15 thereof, and addressed to the several Churchwardens and Overseers as aforesaid.

Precepts,
&c. to be
printed at
the Expense
of the
County, &c.

4. The Provisions of the Principal Act as to the Expense of printing the Warrants, Precepts, and Returns therein mentioned shall apply to the printing of the Precepts and Returns required 20 by this Act.

Duties and
Liabilities
of Parish
Officers to
continue.
6 G. 4. c. 50.
s. 8.

5. After the Receipt of such Precept from the Clerk of the Peace, the Duties of the Churchwardens and Overseers with reference to the Jury Lists, and the Penalties to which they are liable for making Default therein, shall be in all respects the same as if the 25 Words "Clerk of the Peace" had been substituted for the Words "High Constable" in the Eighth Section of the Principal Act.

Notice of
Special Petty
Sessions not
to be sent to
High Con-
stables.
6 G. 4. c. 50.
s. 10.

6. No Notice shall be sent to the High Constable of the holding of a Special Petty Sessions for the Production of the Jury Lists, as required by the Tenth Section of the Principal Act. 30

Justices
Clerk to send
Jury Lists
to Clerk of
the Peace.

7. It shall be the Duty of the Clerk to the Justices of the Peace in every Petty Sessional Division in England and Wales to counter-sign the Jury Lists of each Parish and Township within such Division when and as soon as they shall have been allowed and signed by the said Justices as by the Principal Act provided, and to forward 35 the same by the next available Post in a registered Letter or Letters, with the Words "Jury List" legibly written or printed on the Outside thereof, addressed to the Clerk of the Peace for the County, Riding, or Division at his Office.

8. The

8. The Duties of the Clerk of the Peace with reference to the Jury Lists so forwarded to him by the Clerks to the Justices, and the Penalties to which he is liable for making Default therein, shall be in all respects the same as if this Act had not passed, and the
 5 said Lists had been returned by the High Constables to the Court of Quarter Sessions under the Provisions of the Principal Act.

Clerk of the Peace to deal with the Jury Lists] as before.

9. Any Person liable to serve on any Jury may be summoned in the Manner following; that is to say, the Sheriff or other proper Officer may make out a Summons, and affix the Seal of his Office
 10 thereto, and such Summons may be sent by the Post free of Postage, or the Sum chargeable as Postage for the same being first paid, directed to the Man so required to serve as Juror, and to whom the same shall be sent at his Place of Abode as described in the Book called "The Jurors Book" referred to in the Principal Act, which said
 15 Summons shall be taken open and in Duplicate to the Postmaster of any Post Office where Money Orders are received or paid within such Hours as shall have been previously given Notice of at such Post Office, and under such Regulations with respect to the Registration of such Summons and the Fee to be paid for such Registration
 20 (which Fee shall in no Case exceed *Twopence* over and above the ordinary Rate of Postage) as shall from Time to Time be made by the Postmaster General in that Behalf; and in all Cases in which such Fee shall have been duly paid the Postmaster shall compare the said Summons and the Duplicate, and on being satisfied that
 25 they are alike in their Address and in their Contents shall forward One of them to its Address by the Post, and shall return the other to the Party bringing the same duly stamped with the Stamp of the said Post Office, and the Production by the Party who posted such Summons of such stamped Duplicate shall be Evidence of the
 30 Summons having been given to the Person at the Place mentioned in such Duplicate on the Day on which such Summons would in the ordinary Course of Post have been delivered to such Place, and any Summons sent by the Post as before mentioned shall be considered in all respects as a Service of a Summons as now by Law required:
 35 Provided always, that when any Summons shall be served by Post under the Provisions of this Act, *Two* additional Days shall be allowed for the Transmission of such Summons by Post over and above the Number of Days required by Law for the Service of a Summons before the Day on which the Juror is required to attend.

All Jurors may be summoned by Post.

40 10. No Fee shall be taken by any Postmaster for the registering of any Letter required to be registered under the Provisions of this Act, except in the Case of Summonses to Jurors as herein-before provided.

Letters to be registered gratis.

SCHEDULE.

Precpte for returning Lists of Jurors.

County of	}	To the Churchwardens and Overseers of the Poor of the Parish [<i>or</i> , To the Overseers of the Poor of the Township] of
to wit.		
Hundred		
of		

YOU are hereby required to make out, before the First Day of September next, a true List in Writing in the Form hereunto annexed, containing the Names of all Men, being natural born Subjects of the Queen, between the Ages of Twenty-one and Sixty, residing within your Parish [*or* Township] qualified to serve upon Juries; that is to say, of every such Man who has in his own Name, or in trust for him, a clear Income of Ten Pounds by the Year in Lands or Tenements, whether of Freehold, Copyhold, or Customary Tenure, or of ancient Demesne, situate in the said County, or in Rents issuing out of any such Lands or Tenements, or in such Lands, Tenements, and Rents taken together, in Fee Simple or Fee Tail, or for his own Life, or for the Life of any other Person, and also of every such Man who has a clear Income of Twenty Pounds by the Year in Lands or Tenements situate in the said County, held by Lease for the absolute Term of Twenty-one Years, or some longer Term, or for any Term of Years determinable on any Life or Lives, and also of every such Man who is a Householder in your Parish [*or* Township], and is rated or assessed to the Poor Rate or to the Inhabited House Duty on a Value of not less than Twenty Pounds [if in Middlesex Thirty Pounds], and also of every such Man who occupies a House in your Parish [*or* Township] containing not less than Fifteen Windows; and you are required to make out the said List in alphabetical Order, and to write the Christian and Surname of every Man at full Length, and the Place of his Abode, his Title, Quality, Calling, or Business, and the Nature of his Qualification, in the proper Columns of the Forms hereunto annexed, according to the Specimens given in such Columns for your Guidance.

And if you have not a sufficient Number of Forms you must apply to me for more; and in order to assist you in making out the List you are to refer to the Poor Rate, and you may, if you think proper, apply to any Collector or Assessor of Taxes, or any other Officer who has the Custody of any House Tax, Land Tax, or other Tax Assessment for your Parish [*or* Township], and take from thence the Names of Men so qualified: And in making such List you are to omit

omit the Names of all Peers, all Judges, all Clergymen, all Roman Catholic Priests who shall have duly taken and subscribed the Oaths and Declaration required by Law; all Ministers of any Congregation of Protestant Dissenters whose Place of Meeting is duly registered, provided they follow no secular Occupation except that of a Schoolmaster, and produce to you a Certificate of some Justice of the Peace of their having taken the Oaths and subscribed the Declaration required by Law; all Serjeants and Barristers at Law, all Members of the Society of Doctors of Law, and all Advocates of the Civil Law, if actually practising, and all Attornies, Solicitors, and Proctors, if actually practising, and having taken out their annual Certificates; all Officers of the Courts of Law and Equity, and of the Admiralty and Ecclesiastical Courts, if actually exercising the Duties of their respective Offices; all Coroners, all Gaolers and Keepers of Houses of Correction; all Members and Licentiates of the Royal College of Physicians in London, all Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, and Apothecaries certificated by the Court of Examiners of the Apothecaries Company, if actually practising as Physicians, Surgeons, or Apothecaries respectively; all Officers of the Navy and Army on Full Pay; all Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all Masters of Vessels in the Buoy and Light Service employed by either of those Corporations, and all Pilots licensed by the Lord Warden of the Cinque Ports, or under any Act of Parliament or Charter for the Regulation of Pilots in any other Port; all the Household Servants of Her Majesty; all Officers of Customs and Excise; all Sheriff's Officers, High Constables, and Parish Clerks; and also all Persons exempt by virtue of any Prescription, Charter, Grant, or Writ.

And when you have made out such List you are authorized to order a sufficient Number of Copies thereof to be printed, the Expense of which Printing will be allowed you by the Parish [*or* Township], and you are required, on the Three First Sundays in September next, to fix a Copy of such List, signed by you, on the principal Door of every Church, Chapel, or other public Place of Religious Worship within your Parish [*or* Township], and also to subjoin to every such Copy a Notice to the following Effect, inserting the Time and Place, of which you shall be previously informed: "Take notice, that all Objections to the foregoing List will be heard by the Justices in Petty Sessions on the Day of September next, at the Hour of at ;" and you must allow any Inhabitant of your Parish [*or* Township] to inspect the original List, or a true Copy of it, during the Three First Weeks of September next, gratis; and you are also further required to produce



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Give greater Facilities for summoning Persons
to serve on Juries, and for other Purposes
relating thereto.

- W**HEREAS it is expedient to amend an Act passed in the Preamble.
Session of Parliament holden in the Sixth Year of the
Reign of His late Majesty King George the Fourth,
intituled "An Act for consolidating and amending the Laws relative 6 G. 4. c. 50.
5 " to Jurors and Juries," and also to give greater Facilities for sum-
moning Persons to serve on any Jury: Be it enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, as follows :
- 10 **1.** This Act may be cited as "The Juries Act, 1862," and shall Short Title
be construed with and as Part of the said recited Act, herein-after of Act, &c.
termed the Principal Act.
- 2.** All the Provisions of the Principal Act relating to the Func- Provisions
tions of High Constables shall be and are hereby repealed, except as to High
15 as to any Liabilities incurred before such Repeal, and the Duties of Constables
High Constables as set forth in the Principal Act shall cease and repealed.
determine.

[Bill 172.]

A

3. The

Clerk of the
Peace to
issue Pre-
cepts to
Parish
Officers by
Post.

3. The Clerk of the Peace in every County, Riding, and Division in England and Wales shall on or before the Twentieth Day of July in every Year issue his Precept (in the Form set forth in the Schedule to this Act, or as near thereto as may be,) to the Churchwardens and Overseers of the Poor of the several Parishes, and to the Overseers 5 of the Poor of the several Townships, within the County, Riding, or Division for which he acts, requiring them to make out before the First Day of September then next ensuing a true List of all Men residing within their respective Parishes and Townships qualified and liable to serve on Juries according to the principal Act, and also to 10 perform and comply with all other the Requisitions in the said Precepts contained, and shall forward the same, together with a competent Number of printed Forms of Returns for the Use of the respective Persons by whom such Returns are to be made, by Post in a registered Letter having the Words "Jury Precept" legibly 15 written or printed on the Outside thereof, and addressed to the several Churchwardens and Overseers as aforesaid; and every Precept delivered or tendered as a registered Letter at the Address of the Person to whom it is addressed, whether a Receipt be given for the same or not, shall be deemed to have been served on the Person to whom the same 20 was so delivered or tendered, and if delivered or tendered to any One Churchwarden or Overseer of a Parish or Township, shall be deemed to have been served on the whole of the Churchwardens and Overseers of such Parish or Township.

Precepts,
&c. to be
printed at
the Expense
of the
County, &c.

4. The Provisions of the Principal Act as to the Expense of 25 printing the Warrants, Precepts, and Returns therein mentioned shall apply to the printing of the Precepts and Returns required by this Act; and the Precepts and Jury Lists required to be posted and registered by this Act shall be posted and registered at the Expense of the County, Riding, or Division. 30

Duties and
Liabilities
of Parish
Officers to
continue.
6 G. 4. c. 50.
s. 8.

5. After the Receipt of such Precept from the Clerk of the Peace, the Duties of the Churchwardens and Overseers with reference to the Jury Lists, and the Penalties to which they are liable for making Default therein, shall be in all respects the same as if the 35 Words "Clerk of the Peace" had been substituted for the Words "High Constable" in the Eighth Section of the Principal Act.

Notice of
Special Petty
Sessions not
to be sent to
High Con-
stabiles.
6 G. 4. c. 50.
s. 10.

6. No Notice shall be sent to the High Constable of the holding of a Special Petty Sessions for the Production of the Jury Lists as required by the Tenth Section of the Principal Act. 31

CLAUSE A.
Justices to
adjourn

7. It shall be lawful for the Justices of the Peace then present to ad- 40 journ any Special Petty Sessions held under the Provisions of the Tenth Section

Section of the Principal Act to any Day within Seven Days thereafter, for the Production of the Jury List for any Parish or Township which, through the Default of any Churchwarden or Overseer, has been omitted to be produced at such Special Petty Sessions; and
 5 Notice shall be sent by the Clerk to such Justices to such Churchwardens or Overseers requiring them to produce the said List at such Adjournment.

Petty Sessions for the Production of List.

8. It shall be the Duty of the Clerk to the Justices of the Peace in every Petty Sessional Division in England and Wales to take
 10 charge of the Jury Lists of each Parish and Township within such Division when and as soon as they shall have been allowed and signed by the said Justices as by the Principal Act provided, and to forward the same by the next available Post in a registered Letter or Letters, with the Words "Jury List" legibly written or printed on the
 15 Outside thereof, addressed to the Clerk of the Peace for the County, Riding, or Division at his Office, together with a Schedule of the Parishes and Townships for which Jury Lists have been then allowed, which Schedule shall be signed by One of the said Justices, and the Clerk to the Justices shall be entitled to the Fee of Two Shillings and
 20 Sixpence, to be paid out of the County Rate, for the Discharge of the Duties hereby imposed upon him.

Justices Clerk to send Jury Lists to Clerk of the Peace.

9. The Duties of the Clerk of the Peace with reference to the Jury Lists so forwarded to him by the Clerks to the Justices, and the Penalties to which he is liable for making Default therein, shall
 25 be in all respects the same as if this Act had not passed, and the said Lists had been returned by the High Constables to the Court of Quarter Sessions under the Provisions of the Principal Act.

Clerk of the Peace to deal with the Jury Lists as before.

10. Any Person liable to serve on any Jury may be summoned as heretofore or in the Manner following; that is to say, the Sheriff
 30 or other proper Officer may make out a Summons and affix the Seal of his Office thereto, and such Summons, having the Words "Jury Summons" legibly written or printed on the same Side as the Address, may be sent open by the Post, prepaid, and directed to the Man so required to serve as Juror, at his Place of Abode as described
 35 in "The Jurors Book" in the Case of Jurors therein mentioned, and in the Case of any other Juror at his usual Place of Abode, which said Summons, together with a Duplicate endorsed with the Name and Address of the Juror to whom the original Summons is directed, shall be taken to the Postmaster of any Post Office where Money
 40 Orders are received or paid within such Hours as shall have been previously agreed upon at such Post Office, and under such Regulations with respect to the Registration of such Summons and the Fee

CLAUSE B.
 All Jurors may be summoned by Post.

to be paid for such Registration (which Fee shall in no Case exceed Twopence over and above the ordinary Rate of Postage); as shall from Time to Time be made by the Postmaster General in that Behalf; and in all Cases in which such Fee shall have been duly paid the Postmaster shall compare the Address of the said Summons with that of the Duplicate, and on being satisfied that they are alike shall forward the Summons to its Address by the Post, and shall return the Duplicate to the Party bringing the same duly stamped with the Stamp of the said Post Office, and the Production by the Party who posted such Summons of such stamped Duplicate shall be Evidence of the Summons having been delivered at the Dwelling House of the Person whose Name and Address is thereon endorsed, at the Place mentioned in such Endorsement, on the Day on which such Summons would, in the ordinary Course of Post have been delivered, provided it shall appear that the same was not returned by the Post Office as undelivered; and any Summons sent by the Post as before mentioned and not so returned as undelivered shall be considered in all respects as duly served, and in the event of any Person to whom any Summons shall be addressed being ascertained to be dead, or to have permanently left the Place to which such Summons is addressed, the Postmaster or Letter Carrier of the Place in which the Summons shall then be shall endorse thereon the Reason of the Non-delivery thereof, and forward the same in the usual Course of Post to the Returned Letter Office in London, in order that it may be returned to the Sender: Provided always, that when any Summons shall be served by Post under the Provisions of this Act, Two additional Days shall be allowed for the Transmission of such Summons by Post over and above the Number of Days required by Law for the Service of a Summons before the Day on which the Juror is required to attend.

· **CLAUSE C.**
Fines may
be remitted
upon Cause
shown.

11. Whenever any Fine shall be imposed upon any Man for not attending as a Juror in obedience to a Summons in that Behalf, it shall not be lawful to estreat the said Fine until after the Expiration of Fourteen Days, and in the meantime the proper Officer of the Court by which such Fine was imposed shall forthwith, by Letter, inform the said Man of the Imposition of such Fine, and require him, within Six Days after the Date of such Letter, to forward him an Affidavit of the Cause, if any, of his Non-attendance; and such Officer shall, upon the Receipt of any such Affidavit, submit the same to the said Court, or the Judge or Chairman who presided at the said Court at the Time when such Fine was imposed, and such Court, Judge, or Chairman shall have Power to remit such Fine.

CLAUSE D.
Sheriffs to
be allowed
Costs of
Summonses.

12. The Costs incurred by any Sheriff in summoning Jurors by Post under the Provisions of this Act, so far as the same shall not exceed

exceed the Sum allowed to such Sheriff on that Account in any One Year within the Three Years immediately preceding the passing of this Act, may be included in his ordinary Bill of Cravings, and shall be allowed by the Commissioners of Her Majesty's Treasury.

5 13. Nothing in this Act contained shall alter or affect the Mode of Procedure heretofore pursued in the making out of Jury Lists or the summoning of Jurors in the City of London.

CLAUSE E.
Jury Lists to be made, and Jurors summoned in the City of London as before.

14. This Act shall come into operation on the Tenth Day of August One thousand eight hundred and sixty-two.

CLAUSE F.
Commencement of Act.

SCHEDULE.

Precept for returning Lists of Jurors.

County of } To the Churchwardens and Overseers of the Poor of
 to wit. } the Parish [*or*, To the Overseers of the Poor of the
 Hundred } Township] of
 of

5

YOU are hereby required to make out, before the First Day of September next, a true List in Writing in the Form hereunto annexed, containing the Names of all Men, being natural born Subjects of the Queen, between the Ages of Twenty-one and Sixty, residing within your Parish [*or* Township] qualified to serve upon 10 Juries; that is to say, of every such Man who has in his own Name, or in trust for him, a clear Income of Ten Pounds by the Year in Lands or Tenements, whether of Freehold, Copyhold, or Customary Tenure, or of ancient Demesne, situate in the said County, or in Rents issuing out of any such Lands or Tenements, or in such 15 Lands, Tenements, and Rents taken together, in Fee Simple or Fee Tail, or for his own Life, or for the Life of any other Person, and also of every such Man who has a clear Income of Twenty Pounds by the Year in Lands or Tenements situate in the said County, held by Lease for the absolute Term of Twenty-one Years, 20 or some longer Term, or for any Term of Years determinable on any Life or Lives, and also of every such Man who is a Householder in your Parish [*or* Township], and is rated or assessed to the Poor Rate or to the Inhabited House Duty on a Value of not less than Twenty Pounds [if in Middlesex Thirty Pounds], and you 25 are required to make out the said List in alphabetical Order, and to write the Christian and Surname of every Man at full Length, and the Place of his Abode, his Title, Quality, Calling, or Business, and the Nature of his Qualification, in the proper Columns of the Forms hereunto annexed, according to the Specimens given in such Columns 30 for your Guidance.

And if you have not a sufficient Number of Forms you must apply to me for more; and in order to assist you in making out the List you are to refer to the Poor Rate, and you may, if you think proper, apply to any Collector or Assessor of Taxes, or any other 35 Officer who has the Custody of any House Tax, Land Tax, or other Tax Assessment for your Parish [*or* Township]; and take from thence the Names of Men so qualified: And in making such List you are to omit the Names of all Peers, all Judges, all Clergymen, all Roman Catholic Priests who shall have duly taken and subscribed the Oaths 40 and

and Declaration required by Law; all Ministers of any Congregation of Protestant Dissenters whose Place of Meeting is duly registered, provided they follow no secular Occupation except that of a Schoolmaster, and produce to you a Certificate of some Justice of the Peace
5 of their having taken the Oaths and subscribed the Declaration required by Law; all Serjeants and Barristers at Law, all Members of the Society of Doctors of Law, and all Advocates of the Civil Law, if actually practising; and all Attornies, Solicitors, and Proctors, if actually practising, and having taken out their annual
10 Certificates; all Officers of the Courts of Law and Equity, and of the Admiralty and Ecclesiastical Courts, if actually exercising the Duties of their respective Offices; all Coroners, all Gaolers and Keepers of Houses of Correction; all Members and Licentiates of the Royal College of Physicians in London, all Members of the
15 Royal Colleges of Surgeons in London, Edinburgh, and Dublin, and Apothecaries certificated by the Court of Examiners of the Apothecaries Company, if actually practising as Physicians, Surgeons, or Apothecaries respectively; all Officers of the Navy and Army on Full Pay; the Master, Wardens, and Brethren of the Corporation of
20 Trinity House of Deptford Strond, and their Clerks, Officers, and Servants; all Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all Masters of Vessels in the Buoy and Light Service employed by either of those Corporations, and all Pilots licensed under any Act of Parliament or
25 Charter for the Regulation of Pilots; all the Household Servants of Her Majesty; all Commissioners of Property and Income Tax; all Officers of the Post Office; all Officers of Customs and Excise; all Sheriff's Officers, High Constables, and Parish Clerks; all Officers of the Rural and Metropolitan Police; and also all Persons exempt
30 by virtue of any Act of Parliament, Prescription, Charter, Grant, or Writ.

And when you have made out such List, you are authorized to order a sufficient Number of Copies thereof to be printed, the Expense of which Printing will be allowed you by the Parish [*or*
35 Township], and you are required, on the Three First Sundays in September next, to fix a Copy of such List, signed by you, on the principal Door of every Church, Chapel, or other public Place of Religious Worship within your Parish [*or* Township], and also to subjoin to every such Copy a Notice to the following Effect, inserting the
40 Time and Place, of which you shall be previously informed: "Take notice, that all Objections to the foregoing List will be heard by the Justices in Petty Sessions on the Day of September next, at the Hour of at ;" and you must allow any Inhabitant of your Parish [*or* Township] to inspect
[172.] A 4 the

the original List, or a true Copy of it, during the Three First Weeks of September next, gratis; and you are also further required to produce the said List at such Petty Sessions, and there to answer on Oath such Questions as shall be put to you by Her Majesty's Justices of the Peace there present touching the said List; and these several 5 Matters you are in nowise to omit, upon the Peril that may ensue.

Given under my Hand at _____ in the said County the
Day of _____ in the Year

Clerk of the Peace.

*The Form of Precept in Wales is to be altered according to the 10
Difference of Qualification.*

Juries.

A

BILL

[AS AMENDED IN COMMITTEE]

To give greater Facilities for summon-
ing Persons to serve on Juries, and for
other Purposes relating thereto.

(Prepared and brought in by
Mr. Hunt, Mr. Dodson, and Mr. Sclater-Booth.)

Ordered, by The House of Commons, to be Printed,
27 June 1862.

Bill 172.]

Under 1 oz.

LORDS AMENDMENTS

TO THE

JURIES BILL.

Note.—*The Page and Line refer to the Bill (146.) as printed by the Lords.*

Page 1.

Line 13. After (“ all ”) insert (“ registered Pharmaceutical
“ Chemists, and Members of the Royal College of
“ Veterinary Surgeons ”)

Page 2.

Line 21. Leave out (“ several ”)

Page 3.

Line 39. Leave out (“ Man ”) and insert (“ Person ”)

Line 40. Leave out from (“ Book ”) to (“ which ”) in Line 41.

Page 4.

Line 1. Leave out from (“ Summons ”) to (“ Post ”) in Line 3.
and insert (“ shall be posted at some ”)

Line 4. Leave out from (“ paid ”) to the End of the Clause
and insert (“ Two Days at the least before the
“ Number of Days required by Law for the Service
“ of the Summonses of Jurors, and the Sheriff or
“ other Officer to whom any Precept or Warrant is
“ issued directing him to summon Jurors shall annex
“ to such Precept or Warrant a Panel or List of the
“ Jurors summoned, sealed with his Seal of Office,
“ together with an Affidavit made and duly sworn by
“ the Person who made out and posted the said Sum-
“ monses, stating the Day of the Month and the Post
“ Office wherein and whereat the said Summonses
“ were posted; provided it shall appear in the said
“ Affidavit that at the Time of swearing the said
“ Affidavit the said Sumntonses were not returned
“ by Order of the General Post Office as undelivered,
“ such Affidavit shall be considered in all respects as
“ primâ facie Evidence that the said Jurors so named
“ in the Panel or List were duly summoned on the
“ Day on which such Summonses would, in the
“ ordinary Course of Post, have been delivered ”)

[Bill 221.]

Line 36. Leave out (" Man ") and insert (" Person ")

Line 41. Leave out (" Man ") and insert (" Person ")

Page 7.

Line 18. After (" Company ") insert (" all registered Pharma-
" ceutical Chemists, and all Members of the Royal
" College of Veterinary Surgeons ")

Line 19. After (" Apothecaries ") insert (" or Pharmaceutical
" Chemists or Veterinary Surgeons ")

*Ordered, by The House of Commons, to be Printed,
21 July 1862.*

[Bill 221.]

Under 1 oz.

20 May 1862. 25 VICT.



A

B I L L

FOR

The more speedy Trial of certain Homicides
committed by Persons subject to the Mutiny
Act, and for giving Jurisdiction to the Central
Criminal Court to inquire into such Homicides.

WHEREAS it is expedient that Persons subject to the Preamble.
present or any future Mutiny Act, who shall be guilty
of the Murder of any Person subject to the said Act or
Acts should be brought to an exemplary and speedy Punishment,
5 and that the Offences of Persons subject to the said Act or Acts
who shall be charged with the Manslaughter of Persons subject
to the same should in certain Cases be inquired of and tried with
all convenient Speed: And whereas in the Case of such Murder or
Manslaughter being committed in England or Wales, and out of the
10 Jurisdiction of the Central Criminal Court, it may be expedient that
the Inquiry, Trial, and Punishment should be more speedy than the
usual Course of Practice in respect of the Times of issuing Her
Majesty's Commissions of Oyer and Terminer or Gaol Delivery
will allow: And whereas no sufficient Provision exists whereby
15 Jurisdiction can be given to the Central Criminal Court to inquire
[Bill 129.] A into

into such Homicides committed out of its Jurisdiction, and it would contribute to the more speedy Punishment of Persons guilty thereof, and to the Maintenance of good Order and Military Discipline, if, when charged with Murder or Manslaughter committed in England or Wales, and out of the Jurisdiction of the Central Criminal Court, 5 such Persons were rendered liable to be indicted and tried at the Central Criminal Court: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 10

The Queen's Bench or a Judge may order certain Prisoners to be indicted, &c. at the Central Criminal Court for Homicides committed out of its Jurisdiction.

1. Whenever any Person shall have been committed for any Murder or Manslaughter committed or supposed to have been committed at any Place in England or Wales, and out of the Jurisdiction of the Central Criminal Court, and it shall appear to Her Majesty's Court of Queen's Bench in Term Time, or to any 15 Judge thereof, or of any of Her Majesty's Superior Courts of Common Law at Westminster, in Vacation, that the said Person (herein-after called the Prisoner) was at the Time of the Commission or supposed Commission of the said Murder or Manslaughter subject to the present or any future Mutiny Act, and that the 20 Person (herein-after called the Deceased) for the Murder or Manslaughter of whom the Prisoner shall have been committed was at the Time last aforesaid subject to the said Act or Acts, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge in Vacation, without the Prisoner being brought 25 or appearing in Person before the said Court or Judge, upon the Application of Her Majesty's Principal Secretary of State for the War Department, and upon his Certificate in Writing, in the Form numbered 1. in the Schedule to this Act annexed, or to the like Effect, duly signed, that it would contribute to the Maintenance of good 30 Order and Military Discipline if the said Prisoner were to be indicted and tried at the Central Criminal Court, to order that the said Prisoner shall be indicted and tried at the Central Criminal Court, and such Order may be in one of the Forms numbered 2. in the Schedule to this Act annexed, or to the like Effect. 35

And upon such Order the Prisoner shall be removed to Newgate, and the Depositions, &c. returned to the Central Criminal Court.

2. Whenever any such Order shall have been made, the Gaoler or Keeper of any Gaol or House of Correction in which the said Prisoner shall be confined shall forthwith upon the Delivery to him of an Office Copy of such Order, without Writ of Habeas corpus or other Writ for that Purpose, cause such Prisoner, with his Commit- 40 ment and Detainer, to be safely removed to Her Majesty's Gaol of Newgate in the City of London; and thereupon the Keeper of the said Gaol of Newgate shall receive such Prisoner into his Custody in the said Gaol of Newgate, there to remain until he shall be delivered by

by due Course of Law: And the Justice or Coroner by whom the Prisoner was committed, or any other Person having the Custody or Possession thereof, shall forthwith upon the Delivery to him of an Office Copy of such Order transmit any Recognizances, Depositions, 5 Examinations, or Informations relating to the Murder or Manslaughter mentioned in such Order which shall be in his Custody or Possession to the proper Officer of the said Central Criminal Court, to be by him kept among the Records of the said Central Criminal Court.

- 10 3. Whenever any Prisoner shall have been removed to the said Gaol of Newgate under the Provisions of this Act, the Murder or Manslaughter of the Deceased by the Prisoner may be inquired of, heard, and determined, and the Prisoner may be indicted, arraigned, tried, and convicted for the Murder or Manslaughter of the Deceased, 15 in the same Manner in all respects as if such Murder or Manslaughter had been committed within the Jurisdiction of the Central Criminal Court.

A Prisoner removed may be indicted, &c. at the Central Criminal Court.

4. Whenever any Prisoner so removed to the Gaol of Newgate shall be indicted under the Provisions of this Act, an Office Copy of 20 the before-mentioned Order of the Court of Queen's Bench, or of a Judge, shall be delivered to the proper Officer of the Central Criminal Court, who shall thereupon, by Indorsement on the Back of the Bill of Indictment, before its Presentment by the Grand Jury, or by Direction of the Justices and Judges of the Central Criminal 25 Court before whom such Indictment shall be tried, or any *Two* or more of them, at any other Time, certify that the Prisoner was committed for the Murder or Manslaughter of the Deceased, and was removed to the Gaol of Newgate under the Provisions of this Act; and such Indorsement, which may be in the Form numbered 3. 30 in the Schedule to this Act annexed, or to the like Effect, and which may be amended by the said last-mentioned Justices and Judges or any *Two* or more of them at any Time, and in such Manner, and as often as to them shall seem fit, shall be conclusive Proof that the said Prisoner was committed for the Murder or Manslaughter of the 35 Deceased, and was removed to the said Gaol of Newgate under the Provisions of this Act; and such Indorsement shall not constitute or be deemed or taken to be a Portion of the Indictment.

A Certificate of his Removal under this Act and of the Cause of his Committal shall be endorsed on the Indictment.

5. Whenever any Indictment found at the Central Criminal Court under the Provisions of this Act shall be amended in any Manner, 40 the before-mentioned Indorsement thereon shall, if it be necessary, be amended in like Manner.

Whenever the Indictment is amended the Indorsement is to be amended.

The Indictment need not follow the Commitment.

6. A Prisoner committed for Murder may be indicted under the Provisions of this Act for Manslaughter, and a Prisoner committed for Manslaughter may be indicted under the same Provisions for Murder.

No Objection to be taken to any Order, and no Proof to be required of the Subjection of any Person to the Mutiny Act.

7. It shall not be lawful for any Person, either by himself or his Counsel, to take any Objection, either in the said Central Criminal Court or in any Court of Error, to any Order of the said Court of Queen's Bench or of any Judge, or to any other Proceeding under or by virtue of which the Prisoner shall have been removed to the said Gaol of Newgate; and the Form of the Indictment under the Provisions of this Act shall be the same as that of Indictments for Murder or Manslaughter committed within the Jurisdiction of the Central Criminal Court, and it shall not be necessary to prove on the Trial of the Prisoner that either the Prisoner or the Deceased was or were at the Time of the Commission or supposed Commission of the said Murder or Manslaughter subject to the Provisions of any Mutiny Act.

Persons convicted under this Act may be sentenced under 19 Vict. c. 16. s. 19.

8. Whenever any Prisoner removed to the said Gaol of Newgate under the Provisions of this Act shall have been convicted of any Offence at the Central Criminal Court upon the Trial of any Indictment under the Provisions of this Act, the Provisions of the Nineteenth Section of the Act made and passed in the Nineteenth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court," shall apply to such Prisoner in the same Manner in all respects and for all Intents and Purposes as they would have applied if such Prisoner had been a Person convicted of any Offence at the said Central Criminal Court upon the Trial of any Indictment or Inquisition transmitted or removed thereto under the Provisions of the said Act.

On Notice given by Prosecutor, Recognizances to bind Parties to give Evidence at the Central Criminal Court.

9. Every Recognizance which shall have been entered into for the Prosecution of the Prisoner, and every Recognizance of any Witness to give Evidence against him for his said Offence, shall, in case any such Order shall be made as is mentioned in the First Section of this Act, be obligatory on each of the Parties bound by such Recognizance to prosecute and give Evidence, and to do all other Things mentioned with reference to the said Inquiry and Trial at the said Central Criminal Court, in like Manner as if such Recognizance had been originally entered into for prosecuting such Offence, or giving Evidence, or doing other Things before the said Central Criminal Court; provided that Notice in Writing shall have been given either personally or by leaving the same at the Place of Residence as of which the Parties bound by such Recognizance are therein

therein described, to appear before the said Central Criminal Court upon the Inquiry into and Trial of the said Offence; and the Prosecutor is hereby required, on Notice given to him that such Order as is mentioned in the First Section of this Act has been
5 made, to give such Notice or Notices in Writing as are in this Section mentioned.

10. Whenever any Indictment shall have been found at the Central Criminal Court, under the Provisions of this Act, it shall be lawful for the said Central Criminal Court to issue Process to compel the
10 Attendance of Witnesses, as well on the Part of the Prosecution as on the Part of the Defence, on the Trial of such Indictment, in like Manner as in Cases of Indictments found at the said Central Criminal Court for Offences committed within the Jurisdiction of the said Central Criminal Court; and every such Process shall and may be
15 lawfully executed at any Place in England and Wales.

Witnesses
may be com-
pelled to
attend the
Trial.

11. Whenever any Indictment shall have been found at the Central Criminal Court, under the Provisions of this Act, it shall be lawful for the said Central Criminal Court to order such Expenses of the Prosecutor and Witnesses, and such other Expenses, and such of the
20 several Rewards payable in pursuance of any Statute made or to be made as to such Central Criminal Court may seem reasonable and sufficient to be paid by and to the same Persons and in the same Manner as if such Central Criminal Court were holden under Commissions of Oyer and Terminer and Gaol Delivery for the County
25 or Place in which the Prisoner was committed.

Expenses of
Prosecution
and Rewards
may be or-
dered to be
paid.

12. Whenever any Prisoner shall be tried at the said Central Criminal Court, under the Provisions of this Act, it shall be lawful for the Justices and Judges of the said Central Criminal Court before whom any such Prisoner shall be tried, or for any *Two* or more of them, if
30 it shall seem reasonable so to do, to order the Payment of the Expenses of the Witnesses on the Part of the Defence, and such Payment shall be made accordingly, in the same Manner in all respects as if such Witnesses were Witnesses on the Part of the Prosecution; and the Commissioners of Her Majesty's Treasury shall, upon Receipt of
35 such last-mentioned Order, and out of any Monies provided by Parliament for Law Charges in England, repay such Sum or Sums as shall be therein specified to the Person who shall have paid the same.

Power to
order Pay-
ment of
Expenses of
Prisoner's
Witnesses.

13. Whenever any such Order shall have been made as is men-
tioned in the First Section of this Act, it shall not be necessary for
40 any Purpose whatsoever to prove that the Prisoner has been duly removed to the Gaol of Newgate, under the Provisions of this Act,

No Proof to
be required
of due Re-
moval of
Prisoner.

Verdicts and
Judgments
to be valid.

or that he was committed for the Murder or Manslaughter of the Deceased; and no Evidence, or Proof to the contrary shall be admitted: And every Verdict and Judgment which shall be given upon any Indictment tried under the Provisions of this Act shall be deemed as good, valid, and sufficient in Law as if the Offence charged 5 in such Indictment had been actually committed within the Jurisdiction of the said Central Criminal Court.

The Prisoner
may be re-
moved to and
from the
Central
Criminal
Court as
often as ne-
cessary.

14. Whenever any Person shall have been removed into the Custody of the said Keeper of the said Gaol of Newgate, under the Provisions of this Act, such Person shall, without Writ of Habeas 10 corpus or other Writ for that Purpose, be removed into and from the said Central Criminal Court, when and as often as it may be necessary, by the Keeper of the said Gaol of Newgate, with his Commitment and Detainer, in order that he may be tried, sentenced, or otherwise dealt with according to Law; and such Removal shall not 15 be deemed an Escape.

After Indict-
ment found,
the Central
Criminal
Court to
have the
same Autho-
rity as if the
Offence had
been com-
mitted
within its
Jurisdiction.

15. Whenever any Indictment shall have been found at the said Central Criminal Court, under the Provisions of this Act, the Justices and Judges of the said Central Criminal Court for the Time being, or any *Two* or more of them, shall possess the 20 same Power, Jurisdiction, and Authority as to all Matters and Things whatsoever as if the Offence charged in the said Indictment had actually been committed within the Jurisdiction of the said Central Criminal Court; and every such Offence may be dealt with, 25 tried, and determined by and before such Justices and Judges, or any *Two* or more of them, in the same Manner in all respects as if the same had actually been committed within the Jurisdiction of the said Central Criminal Court; provided that nothing in this Section contained shall limit or lessen any Power, Jurisdiction, or Authority conferred upon the said Justices and Judges, or any *Two* or more 30 of them, by this Act.

19 Vict. c.16.
ss. 21. and
23. to ex-
tend to this
Act.

16. The Provisions of the Twenty-first Section of the said Act made and passed in the Nineteenth Year of Her Majesty Queen Victoria shall apply to every Prisoner removed to the said Gaol of Newgate under the Provisions of this Act, in the same Manner in all 35 respects and for all Intents and Purposes as if such Prisoner had been so removed as in any of the preceding Sections of the said Act is mentioned, and the Provisions of the Twenty-third Section of the said Act shall apply in the Case of an Indictment found under the Provisions of this Act in like Manner as in any Case where any 40 Indictment or Inquisition shall have been transmitted or removed under the Provisions of the said Act.

17. Where

17. Where any Person shall have been removed to the said Gaol of Newgate under the Provisions of this Act, the Provisions of the Twenty-seventh and Twenty-eighth Sections of the said Act made and passed in the Nineteenth Year of Her Majesty Queen Victoria shall apply in the same Manner in all respects as in the Case where any Person shall have been removed or committed to the said Gaol of Newgate under the Provisions of the said Act.

19 Vict. c. 16.
ss. 27, 28. to
extend to
this Act.

18. It shall be lawful for Her Majesty, by and with the Advice of Her Most Honourable Privy Council, from Time to Time to make Rules and Regulations touching the said Gaol of Newgate, or any other Gaol or Prison, and the Government and Keeping thereof, for the Purposes of this Act, and touching the Alteration of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by Authority of Parliament, and shall be notified in the London Gazette, or in such other Manner as Her Majesty, by and with the Advice of Her Most Honourable Privy Council, shall think fit to direct.

Her Majesty
in Council
may make
Rules for
Purposes of
this Act.

19. Nothing in this Act contained shall render any Person claiming the Privilege of Peerage triable at the said Central Criminal Court.

Act not to
affect any
Peer.

20. In the Construction of this Act the Words "present Mutiny Act" shall be understood to mean the Act made and passed in this present Parliament, intituled "An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters," and the Words "future Mutiny Act" shall be understood to mean any Act hereafter to be made and passed for the Purposes and with the Intents and Objects of the present Mutiny Act, or for the like Purposes, and with the like Intents and Objects.

Interpreta-
tion.

21. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Jurisdiction in Homicides Act, 1862."

Short Title.

Jurisdiction in Homi-
cides.

A

B I L L

For the more speedy Trial of certain
Homicides committed by Persons sub-
ject to the Mutiny Act, and for giving
Jurisdiction to the Central Criminal
Court to inquire into such Homicides.

(*Prepared and brought in by*
Sir George Lewis and Mr. Attorney General.)

Ordered, by The House of Commons, to be Printed,
20 May 1862.

[Bill 129.]

Under 2 oz.

Land Debentures (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Extent of Act; Sect. 1.

Short Title of Act; 2.

Glossary; 3.

Court may certify Land to be chargeable with Debentures; 4.

Form of Land Certificate; 5.

Entry and Registry of Certificate; 6.

Court may charge Land with Debentures; 7.

Debentures on unincumbered Land; 8.

Debentures on incumbered Land; 9.

Priority of Debentures; 10.

Transfers by Entry or Memorandum; 11.

Effects of Transfer; 12.

Debentures mutilated or injured; 13.

Debentures destroyed or lost; 14.

Limitation of Principal and Interest; 15.

Debentures to be Personal Estate; 16.

Stamp Duties; 17.

Court Fees; 18.

Court may frame Forms and Rules; 19.

General Powers; 20.

SCHEDULE.

31 March 1862. 25 VICT.



A

B I L L

FOR

Authorizing Transferable Debentures to be charged upon Land in Ireland.

WHEREAS it is expedient to authorize the Creation of Preamble.
Transferable Debentures to be charged upon Land in
Ireland: Be it enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
5 and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows:

1. This Act shall extend and apply to Ireland only.

Extent of
Act.

2. In any Act of Parliament, Document, or Proceeding, this Act
shall be sufficiently designated as "The Land Debentures (Ireland)
10 Act, 1862."

Short Title
of Act.

3. In the Construction of this Act, and of this Section thereof, GLOSSARY.
the following Words and Expressions shall have the Meanings hereby
assigned to them respectively, unless there be something in the
Subject or Context requiring a different Construction:

[Bill 64.]

A

The

"Court :"	The Word "Court" means the Landed Estates Court of Ireland :	
"Certificate :"	The Word "Certificate" means a Certificate declaring Land chargeable with Debentures under this Act :	
"Debenture :"	The Word "Debenture" means a Debenture charged upon Land under this Act :	5
"Person :"	The Word "Person" extends to and includes a Body Politic or Corporate, whether aggregate or sole, and any Company as well as a private Individual, and includes also the Assignees of any Bankrupt or Insolvent :	
"Possession :"	The Word "Possession" includes the Receipt of Rents and Profits :	10
"Owner :"	The Word "Owner," as applied to any Land, means any Person entitled for his own Benefit, at Law or in Equity, in possession, to an Estate in Fee Simple or Fee Farm, and whether subject or not subject to an Incumbrance :	15
"Incumbrance :"	The Word "Incumbrance" means any legal or equitable Charge by Mortgage, Lien, Judgment, Decree, Rule, or Order, Crown Bond, Recognizance, Legacy, Portion, Trust, or otherwise, whereby any Sum of Money is secured upon or made payable out of any Land, and includes also any Easement, and any Rentcharge, Annuity, or other annual or periodical Charge or Payment, except only Quit and Crown Rents, Rentcharges in lieu of Tithe, and Charges imposed by any Act for the Drainage or Improvement of Land :	20
"Incumbrancer."	And the Word "Incumbrancer" means any Person entitled to an Incumbrance, or to require the Payment, Discharge, or Benefit thereof.	25

Court may certify Land to be chargeable with Debentures.

4. It shall be lawful for the Owner of any Land to apply to the Court to have such Land declared chargeable with Debentures under this Act. Thereupon the Court shall investigate the Title to the Land, and its existing State and Circumstances. If it appear expedient and just to grant the Application, as to the whole or any Part of the Land, the Court shall certify to that Effect, in such Form as it may deem fit.

Form of Land Certificate.

5. Every Certificate shall be made in Duplicate, and shall specify the Name and Description of the Land and of the Owner thereof, the Amount of Debentures with which it shall be chargeable, the Nature and Amount of any prior Incumbrances, and such other Matters or Particulars as the Court may consider it proper to state in such Certificate.

40

6. One

6. One Duplicate of every Certificate shall be entered in the Books of the Court; and the Court shall cause the other Duplicate to be deposited in the Office for registering Deeds, Memorials, and Wills, where the same shall be forthwith registered in like Manner as if it were a Memorial of a Conveyance by the Owner of the Land, but no Affidavit of Execution or Perfection shall be required.

Entry and Registry of Certificate.

7. After the Entry and Registry of such Certificate it shall be lawful for the Court, at any Time and from Time to Time, upon the Application of the Owner for the Time being of the Land comprised therein to charge the same by means of Debentures, in the Form contained in the Schedule to this Act, or in such other Form as may be approved of by the Court, with such Sum or Sums of Money, bearing Interest at such Rate or Rates, or not bearing Interest, and payable or redeemable at such Time or Times, not exceeding *Ten* Years from the Date of the Certificate, as to the Court may seem fit.

Court may charge Land with Debentures.

8. In the Case of unincumbered Land no Debenture shall be charged for such a Principal Sum as, either solely or together with the Amount of the Principal Sum or Sums charged on the same Land by virtue of any other Debenture or Debentures, shall be more than *Ten* Times the Sum which may appear to the Court to be the yearly Value of such Land, having regard, amongst other Matters, to any Lease then affecting the same; nor shall there be reserved by any Debenture upon such incumbered Land Interest of such annual Amount as, either solely or together with the annual Interest reserved and charged by any other Debenture or Debentures upon the same Land, shall exceed *One Half* of what may appear to the Court to be its yearly Value.

Debentures on unincumbered Land.

9. If the Charge proposed to be created by Debenture is to be puisne or subject to any other Incumbrance the Court shall have regard thereto, and shall estimate such other Incumbrance at its full Value; and shall so limit the Debentures which it may think fit to issue that their Amount shall be as amply secured as Debentures would be if charged on unincumbered Land to an Amount not exceeding *Ten* Times the yearly Value thereof.

Debentures on incumbered Land.

10. Debentures upon any Land shall be puisne and subject to the several Incumbrances specified or referred to in the Registered Certificate; also to Quit or Crown Rents, to Rentcharges in lieu of Tithe, and to Charges imposed by any Act heretofore made for the Drainage or Improvement of Land. With those Exceptions, all Debentures charged upon any Land shall be the First Incumbrances thereon. Where there shall be more than One Debenture charged on the same Land there shall be no Priority as between the several Debentures, notwithstanding any Priority in the Date or Number thereof.

Priority of Debentures.

Transfers by
Entry or
Memoran-
dum.

11. At any Time after the Creation of a Debenture it may be transferred by the Court, either by an Entry in its Books or by a Memorandum on the Face or Back of the Debenture, in such Form as the Court may think fit, to the Owner for the Time being of the Land charged therewith, or to any Incumbrancer thereon, or to such other Person as to the Court, having regard to the Rights and Equities of all Parties interested, shall seem expedient and just. 5

Effects of
Transfer.

12. Every Transfer of any Debenture, either by Entry or by Memorandum, shall vest in the Person to whom such Transfer shall be made the Ownership of the Debenture, and of the Charge thereby created. Every Debenture transferred by Entry, and the Monies due or to become due thereon, shall thenceforth be transferable by Entry in the Books of the Court. Every Debenture transferred by Memorandum, and the Monies due or to become due thereon, shall thenceforth be transferable by Endorsement or by Delivery, in like Manner as a Promissory Note payable to Order or to Bearer may now be transferred. It shall be lawful for the Court at any Time, if it think fit, upon the Application of any Person entitled to a Debenture of either Species, whether transferred by Entry or by Memorandum, to cancel such Debenture, and to commute it for a Debenture of the other Species. 10 15 20

Debentures
mutilated or
injured.

13. In case any Debenture shall be given up to the Court in a mutilated or injured State, it shall be lawful for the Court to cancel such Debenture, and to charge and issue in its place a new Debenture, on such Terms and the Payment of such Fees as the Court may consider just. 25

Debentures
destroyed or
lost.

14. In case it shall be proved to the Satisfaction of the Court that any Debenture was destroyed or lost, it shall be lawful for the Court to charge and issue in its place a Duplicate Debenture, marked as such, on such Terms and the Payment of such Fees as the Court may consider just; but without Prejudice to the Rights of any Holder of the original Debenture, by whom it may afterwards be actually produced. Such Duplicate Debenture shall be transferable by Entry only in the Books of the Court. 30

Limitation
of Principal
and Interest.

15. Every Debenture shall be deemed a Sum of Money charged upon Land within the Meaning of Sections Forty and Forty-two of the Act of the Third and Fourth Years of the Reign of King William the Fourth, Chapter Twenty-seven, intituled "An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereof," and shall be subject to the Periods of Limitation prescribed by those Sections as to Principal and Interest respectively. 35 40

16. Every

16. Every Debenture, when transferred by the Court, shall be deemed Personal Estate ; and a Debenture so transferred shall not merge in the Land whereon it is charged, although it may belong to the Owner of that Land.

Debentures
to be Per-
sonal Estate.

5 17. Certificates under this Act shall not be subject to ad valorem Duty, but no Debenture shall be transferred by the Court until it shall have been stamped with the ad valorem Duty properly applicable to a Mortgage for the like Amount.

Stamp
Duties.

10 18. In addition to the Stamp Duty payable in respect of each Debenture, the Owner of the Land charged therewith shall pay such Fees as the Court may by any General Order direct, not exceeding the Rate of *Two Shillings and Sixpence* for every Hundred Pounds charged by way of Debenture.

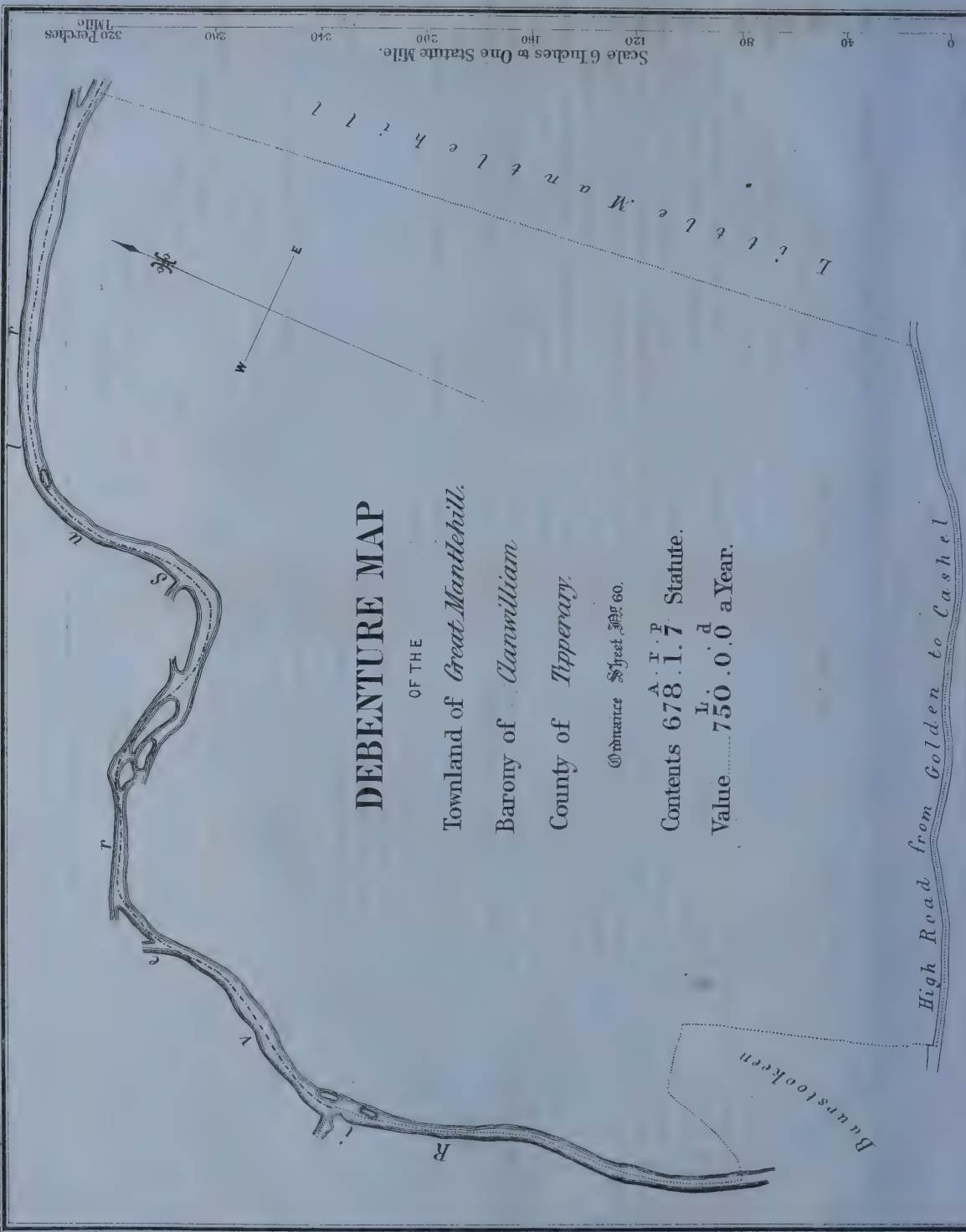
Court Fees.

15 19. The Court may frame and promulgate all such Forms, Rules, and Directions as it shall consider requisite or expedient for the Assistance and Guidance of Persons acting under this Act ; for annulling Certificates ; for regulating the Transfer of Debentures or the Mode and Place of Payment of Principal and Interest, and for enforcing the same ; for calling in or cancelling Debentures, and for the Issue
20 of others, in case of Forgery, Abstraction, Destruction, Defacement, or other like Inconvenience ; for the giving of Notices ; and otherwise for facilitating or regulating the Course of Procedure, or giving effect to the Purposes and Provisions of this Act.

Court may
frame Forms
and Rules.

25 20. The Court shall also have the same or the like Powers and Authorities for the Purposes of this Act as it has for those of the Act or Acts of Parliament under which it is at present constituted, as well in relation to the Appointment or Removal and to the Salaries of necessary Officers, as also to the making of General Orders, the Conduct or Costs of Proceedings, the Production of Documents or
30 Examination of Witnesses, and to any other Matter requisite for effecting the Objects of this Act.

General
Powers.



DEBENTURE MAP

OF THE

Townland of *Great Manillehill.*

Barony of *Clanwilliam.*

County of *Tipperary.*

Ordinance Sheet No. 60.

Contents 678.1.7 Statute.

Value 750.0.0 a Year.

453
8 May 1862. 25 VICT.



A

B I L L

TO

Amend and enlarge the Acts for the Improvement of Landed Property in Ireland.

WHEREAS an Act was passed in the Tenth Year of Her Majesty, intituled “An Act to facilitate the Improvement of Landed Property in Ireland;” and a further Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Twenty-three, was passed “to authorize further Advances of Money for the Improvement of Landed Property and the Extension and Promotion of Drainage and other Works of Public Utility in Ireland;” and a further Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-one, was passed “to authorize further Advances of Money for Drainage and the Improvement of Landed Property in the United Kingdom, and to amend the Acts relating to such Advances;” and a further Act was passed in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred and thirteen, “to authorize the Transfer of Loans for the Improvement of Land in Ireland to other Land;” and a further Act was passed in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-four, “to extend the Act to facilitate the Improvement of Landed Property in Ireland, and the Acts amending the same, to the Erection of Scutch Mills for Flax in Ireland;” and a further Act was passed in the Twenty-third Year of Her Majesty, Chapter Nineteen, “to extend the Act to facilitate the Improvement of Landed Property in Ireland, and the

Preamble.
10 Vict.
c. 32.
12 & 13 Vict.
c. 23.
13 & 14 Vict.
c. 31.
13 & 14 Vict.
c. 113.
15 & 16 Vict.
c. 34.
23 Vict.
c. 19.

[Bill 105.] “Acts

2 *Landed Property Improvement (Ireland) Acts Amendment.*

24 & 25 Vict.
c. 34.

“ Acts amending the same, to the Erection of Dwellings for the
“ Labouring Classes in Ireland ;” and a further Act was passed in
the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter
Thirty-four, “ to extend the Provisions of the Acts’ to facilitate the
“ Improvement of Landed Property in Ireland, and to further provide 5
“ for the Erection of Dwellings for the Labouring Poor in Ireland :”
And whereas it is expedient to amend and enlarge the Provisions
of the said recited Acts in the Manner herein-after mentioned :
Be it enacted by the Queen’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and 10
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows :

Commis-
sioners of
Public
Works to
make addi-
tional Loans.

1. That notwithstanding any thing in the said Act of the Thir-
teenth and Fourteenth of Her Majesty, Chapter Thirty-one, to the
contrary, it shall be lawful for the Commissioners of Public Works, 15
with the Sanction of the Commissioners of Her Majesty’s Treasury,
to make Loans to any Owner of Land in Ireland under the Provisions
and for the Purposes of the said recited Acts or any of them, of any
Sum or Sums of Money not exceeding in the whole the Sum of
Three thousand Pounds to any One Owner, in addition to and over and 20
above any Sum or Sums of Money which the said Commissioners
of Public Works may have heretofore advanced or are authorized
to advance under the Powers and Provisions of the said recited Acts
or any of them.

Nothing in
this Act to
affect the
Power of
the Commis-
sioners to
make Loans
as authorized
by 24 & 25
Vict. c. 34.

2. Provided that nothing in this Act contained shall affect, lessen, 25
or abridge the Power of the said Commissioners of Public Works to,
advance Money for the Erection of Dwellings for the Labouring
Classes in Ireland, to the Amount in and by the said Act of the
Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter
Thirty-four, as if this Act had not passed. 30

To extend
Time for
Completion
of Works.

3. It shall be lawful for the said Commissioners of Public Works to
fix for, the Completion of any Works for which Loans may be made
under the said recited Acts and this Act such Period, and from Time
to Time such further Period within *Seven Years* from the Date of
the first Advance of any Loan under the said recited Acts or this 35
Act as the said Commissioners may think fit.

This Act and
amended
Acts to be
read as One.

4. This Act and the said recited Acts shall be construed together
as One Act.

Limit of Act.

5. This Act shall be in force until *the First Day of January One
thousand eight hundred and sixty-four.* 40

457

Law of Property Amendment Bill.

ARRANGEMENT OF CLAUSES.

Restriction on the Doctrine of Implied or Constructive Notice, as affecting Purchasers for Value and Mortgagees ; Sect 1.

On the Issue of Sequestrations under 24 & 25 Vict. c. 134. prior Sequestrations to cease. Creditors to receive rateable Proportions of their Debts. Sequestered Benefice discharged of Leases ; 2.

Saving for Sequestrations under 17 Geo. 3. c. 53., 1 & 2 Vict. c. 106., &c. ; 3.

Sect. 8. of 2 & 3 W. 4. c. 71., and Sect. 4. of 23 & 24 Vict. c. 38. amended ; 4.

Judgments registered in Common Pleas to operate in Localities where Registries of Assurance are established. Not to extend to Courts in Lancaster and Durham ; 5.

23 & 24 Vict. c. 38. amended as to Registry of Writ of Execution, &c. to bind Purchaser or Mortgagee ; 6.

“Lis pendens” to be entered in a separate Register ; 7.

Sect. 213. of 24 & 25 Vict. c. 134. amended as to Registration of Order for Costs ; 8.

20 March 1862. 25 VICT.



A

B I L L

INTITULED

An Act to further amend the Law of Property.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

- 5 1. Where a Purchaser for valuable Consideration, or Mortgagee, or his Solicitor or Agent, has not direct Notice of any Act, Fact, Instrument, or Incumbrance affecting the Title to the Property purchased or taken in Mortgage, but is sought to be charged by or through what is termed in Law Implied or Constructive Notice, such Pur-
- 10 chaser or Mortgagee shall not be charged or made liable by reason of any such Act, Fact, Instrument, or Incumbrance, unless the Court before which the Question is raised shall be of opinion that the Conduct of such Purchaser or Mortgagee amounted to Fraud, or unless the Circumstances of the Case are such as to satisfy the Court
- 15 not only that he might have acquired, but that in the Exercise of ordinary Care and Diligence he ought to have acquired, the Knowledge with which it is sought to affect him.
- Restriction on the Doctrine of Implied or Constructive Notice, as affecting Purchasers for Value and Mortgagees.

[Bill 54.]

A

2. After

On the Issue
of Seques-
trations
under
24 & 25 Vict.
c. 134. prior
Sequestra-
tions to
cease.
Creditors to
receive
rateable Pro-
portions of
their Debts.
Sequestrated
Benefice
discharged
of Leases.

2. After the issuing of any Sequestration under the Authority of an Act passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty, Chapter One hundred and thirty-four, of the Profits of the Benefice of any beneficed Clergyman becoming a Bankrupt, every previous Sequestration against the same Bankrupt shall cease to operate, and the Creditor or Creditors entitled to the Benefit of such previous Sequestrations as aforesaid shall receive under the Sequestration issued under the said Act no more than a rateable Proportion of his or their Debt in common with the other Creditors; and immediately after the issuing of any Sequestration under the said Act the Sequestrator shall hold the Benefit of the Living wholly discharged of any Lease which the Bankrupt may have granted or attempted to grant of his Tithe Rentcharge. 5 10

Saving for
Sequestra-
tions under
17 G. 3.
c. 53.,
1 & 2 Vict.
c. 106., &c.

3. Nothing in this Act shall affect any Sequestration issued or to be issued under the Act of the Seventeenth Year of King George the Third (Chapter Fifty-three), "to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses and other necessary Buildings and Tenements for the Use of their Benefices;" or under the Act of the Session of the First and Second Years of Her Majesty (Chapter One hundred and six), "to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy;" or under any Enactment now in force for extending or amending either of those Acts. 15 20

Sect. 8. of
2 & 3 W. 4.
c. 71.
amended.

4. Where in an Act passed in the Second and Third Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-one, Section Eight, the Word "convenient" is introduced by a Misprint or clerical Error, the Clause shall be read as if in lieu of that Word the proper Word "Easement" had been introduced into the said Act; and where in an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, Section Four, by a like clerical Error or Misprint, the Word "Executors" is introduced before the Words "Testators or Intestates Estates," the Clause shall be read as if in lieu of the Word "Executors" the proper Word "Ancestors" had been introduced into the same Act. 25 30 35

Sect. 4. of
23 & 24 Vict.
c. 38.
amended.

5. Where a Judgment, Statute, or Recognizance is registered in the Court of Common Pleas it shall operate over Lands within the Localities where Registries of Assurance have been established by Act of Parliament, without being also registered in such local Registries, in like Manner as it will operate over all other Lands; but no such Judgment, Statute, or Recognizance shall bind Purchasers 40

Judgments
registered in
Common
Pleas to
operate
in Localities
where Re-
gistries of
Assurance
are esta-
blished.

chasers or Mortgagees further or otherwise than they would be bound if the Land were not within any such Locality; but this Section is not to extend to the Registries in the several Palatine Courts of Lancaster and Durham.

Not to extend to Courts in Lancaster and Durham.

- 5 **6.** Where by an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, the Registry thereby required of any Writ of Execution or other due Process of any Judgment, Statute, or Recognizance in order to bind a Purchaser or Mortgagee is directed (amongst other things) to be
- 10 by Entry in a Book of the Name of the Person in whose Behalf the Judgment, Statute, or Recognizance upon which the Writ of Execution or other Process issued was registered, from and after the passing of this Act every such Entry shall be made, not in the Name of the Creditor, but in the Name of the Person against whom such
- 15 Writ of Execution or other due Process shall have issued; and the Registrar shall make new Registries of Writs of Execution or other due Process already registered to correspond with those hereafter to be entered, and which shall have the same Operation as if they had been so entered on the Registry in the first instance;
- 20 and the Registrar shall upon the Entry on the Registry of every Writ of Execution or other due Process of any Judgment, Statute, or Recognizance, enter on the Register of the Judgment, Statute, or Recognizance a Memorandum of a Writ of Execution or other due Process having issued and the Date when it was registered.
- 25 **7.** The Registrar of Judgments in the said Court of Common Pleas shall hereafter enter "Lis pendens" in a separate Register, which shall be deemed One of the Books of the Office to which Access is to be had upon the Payment of the single Fee imposed for Searches in the Office, and in like Manner with the other Books there.
- 30 **8.** Where by the said Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Section Two hundred and thirteen, in regard to the Order for Costs therein referred to not affecting any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors unless and until it shall be registered, and, if necessary,
- 35 re-registered, pursuant to the said Act of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, the said Section shall be read as if it had required such Order in order to bind as aforesaid to be registered, and, if necessary, to be re-registered, pursuant to an Act of the Eighteenth Year of Her
- 40 Majesty's Reign, Chapter Fifteen, Section Ten, and that every such Order for Costs should, when registered, be subject to the Provisions of the said Act of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty.

23 & 24 Vict. c. 38. amended as to Registry of Writ of Execution, &c. to bind Purchaser or Mortgagee.

"Lis pendens" to be entered in a separate Register.

Sect. 213. of 24 & 25 Vict. c. 134. amended as to Registration of Order for Costs.

Law of Property
Amendment.

A

B I L L

INTITLED

An Act to further amend the Law of
Property.

(Brought from the Lords 7 March 1862.)

*Ordered, by The House of Commons, to be Printed,
20 March 1862.*

[Bill 54.]

Under 1 oz.

2 April 1862. 25 VICT.



A

BILL

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to further amend the Law of Property.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

- 5 **1.** Where a Purchaser for valuable Consideration, or Mortgagee, or his Solicitor or Agent, has not direct Notice of any Act, Fact, Instrument, or Incumbrance affecting the Title to the Property purchased or taken in Mortgage, but is sought to be charged by or through what is termed in Law Implied or Constructive Notice, such Pur-
- 10 chaser or Mortgagee shall not be charged or made liable by reason of any such Act, Fact, Instrument, or Incumbrance, unless the Court before which the Question is raised shall be of opinion that the Conduct of such Purchaser or Mortgagee, or his Solicitor or Agent, amounted to Fraud, or unless the Circumstances of the Case are such
- 15 as to satisfy the Court not only that he might have acquired, but that in the Exercise of ordinary Care and Diligence he, or his Solicitor or Agent, ought to have acquired, the Knowledge with which it is sought to affect him.
- Restriction on the Doctrine of Implied or Constructive Notice, as affecting Purchasers for Value and Mortgagees.

[Bill 69.]

A

2. After

Sect. 8. of
2 & 3 W. 4.
c. 71.
amended.

2. Where in an Act passed in the Second and Third Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-one, Section Eight, the Word "convenient" is introduced by a Misprint or clerical Error, the Clause shall be read as if in lieu of that Word the proper Word "Easement" had been introduced into 5

Sect. 4. of
23 & 24 Vict.
c. 38.
amended.

the said Act; and where in an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, Section Four, by a like clerical Error or Misprint, the Word "Executors" is introduced before the Words "Testators or Intestates Estates," the Clause shall be read as if in lieu of the Word 10
"Executors" the proper Word "Ancestors" had been introduced into the same Act.

Judgments
registered in
Common
Pleas to
operate
in Localities
where Re-
gistries of
Assurance
are esta-
blished.

3. Where a Judgment, Statute, or Recognizance is registered in the Court of Common Pleas it shall operate over Lands within the Localities where Registries of Assurance have been established by 15
Act of Parliament, without being also registered in such local Registries, in like Manner as it will operate over all other Lands; but no such Judgment, Statute, or Recognizance shall bind Purchasers or Mortgagees further or otherwise than they would be bound if the Land were not within any such Locality. 20

23 & 24 Vict.
c. 38.
amended as
to Registry
of Writ of
Execution,
&c. to bind
Purchaser or
Mortgagee.

4. Where by an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, the Registry thereby required of any Writ of Execution or other due Process on any Judgment, Statute, or Recognizance in order to bind a Purchaser or Mortgagee is directed (amongst other things) to be 25
by Entry in a Book in alphabetical Order by the Name of the Person in whose Behalf the Judgment, Statute, or Recognizance upon which the Writ of Execution or other Process issued was registered, from and after the passing of this Act every such Entry shall be made, not in the Name of such Person but in the Name of the Person against 30
whom such Writ of Execution or other due Process shall have issued; and the Registrar shall make new Registers of Writs of Execution or other due Process already registered to correspond with those hereafter to be entered, and which shall have the same Operation as if they had been so entered on the Registers in the first instance; 35
and the Registrar shall upon the Entry on the Registers of every Writ of Execution or other due Process of any Judgment, Statute, or Recognizance, enter on the Register of the Judgment, Statute, or Recognizance a Memorandum of a Writ of Execution or other due Process having issued and the Date when it was registered. 40

"Lis pen-
dens" to be
entered in a
separate
Register.

5. The Registrar of Judgments in the said Court of Common Pleas shall hereafter enter "Lis pendens" in a separate Register, which shall be deemed One of the Books of the Office to which Access is

is to be had upon the Payment of the single Fee imposed for Searches in the Office, and in like Manner with the other Books there.

6. Where by the said Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Section Two hundred and thirteen, in regard to the Order for Costs therein referred to not affecting any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors unless and until it shall be registered, and, if necessary, re-registered, pursuant to the said Act of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, the said Section shall be read as if it had required such Order in order to bind as aforesaid to be registered, and, if necessary, to be re-registered, pursuant to an Act of the Eighteenth Year of Her Majesty's Reign, Chapter Fifteen, Section Ten, and that every such Order for Costs should, when registered, be subject to the Provisions of the said Act of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty.

Sect. 213. of 24 & 25 Vict. c. 134. amended as to Registration of Order for Costs.

7. No Judgment, Decree, or Order of the Court of Common Pleas of either of the Counties Palatine of Lancaster or Durham, or of the Court of Chancery of either of the Counties Palatine of Lancaster or Durham, already made or to be hereafter made, shall, after the First Day of January One thousand eight hundred and sixty-three affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, unless and until such Memorandum or Minute of such Judgment, Decree, or Order as is prescribed in the Act passed in the First and Second Years of the Reign of Her Majesty, Chapter One hundred and ten, shall be left with the Senior Master of the Court of Common Pleas at Westminster, who shall forthwith enter the same Particulars in the same Manner, and for so doing shall be entitled to the same Fee, as if such Judgment, Decree, or Order were a Judgment, Decree, or Order of One of Her Majesty's Superior Courts at Westminster.

CLAUSE A. Judgments, &c. not to affect Lands until Memorandum thereof deposited in Court of Common Pleas at Westminster.

8. The Provisions contained in the Sections of the Act of the Second and Third Victoria, Chapter Eleven, numbered respectively Three, Four, and Five, and in the Section of the Act Three and Four Victoria, Chapter Eighty-two, numbered Two, respecting the Particulars to be inserted in the Register by the Master, and respecting the Re-registration of Judgments, Decrees, or Orders, and respecting the Protection of Purchasers, Mortgagees, and Creditors, as explained or amended by the Act of the Eighteenth Victoria, Chapter Fifteen, shall extend and be applicable to the Judgments, Decrees, and Orders by the last preceding Section required to be registered in the Court of Common Pleas at Westminster, in the same Manner as if such Judgments, Decrees, or Orders were Judgments, Decrees, or Orders of One of the Superior Courts at Westminster.

CLAUSE B. Certain Provisions of Acts 2 & 3 Vict. c. 11. and 3 & 4 Vict. c. 82. to apply to such Judgments.

Law of Property
Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to further amend the Law of
Property.

(*Brought from the Lords 7 March 1862.*)

*Ordered, by The House of Commons, to be Printed,
2 April 1862.*

[Bill 69.]

Under 1 oz.

2 July 1862. 25 & 26 VICT.



A

B I L L

INTITULED

An Act to amend an Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty, to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices.

WHEREAS an Act was passed in the Session of Parliament held in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter One hundred and five, intituled "An Act to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices:" And whereas Doubts are entertained whether, notwithstanding the said Act, Leases and Grants by Copy of Court Roll of the Manors, Lands, Tenements, and Hereditaments mentioned or referred to in the Preamble thereof may not still be lawfully made, in Cases where the Grantor takes no Fine, Premium, or Foregift as a Consideration for any such Grant: And whereas it is expedient to amend the said Act to the Effect after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords

Preamble.
24 & 25 Vict.
c. 105.

5
10

[Bill 183.]

This Act in-
corporated
with
21 & 22 Vict.
c. 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

3. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the 5 Words and Figures, "The Local Government Supplemental Act, 1862."

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. HANLEY.—Transferring the Powers and Property of the Hanley Market Trustees to the Hanley Local Board.
 2. STROUD.—Extending the Borrowing Powers of the Stroud Local Board of Health.
 3. ILFRACOMBE.—Extending the Borrowing Powers of the Ilfracombe Local Board of Health.
 4. LONGTON.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement for Market Improvements.
 5. HALIFAX.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Halifax Local Board of Health for Street Improvements.
 6. IPSWICH.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Ipswich Local Board of Health for Street Improvements.
 7. SANDOWN.—Repealing a Local Act in force within the District of the Sandown Local Board.
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HANLEY.

Provisional Order for the Transfer of the Powers and Property of the Hanley Market Trustees to the Hanley Local Board:—Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted by the Mayor, Aldermen, and Burgesses of the Borough of Hanley, in the County of Stafford, and whereas the said Mayor, Aldermen, and Burgesses, acting as the Local Board within such Borough, under the provisions of the 77th section of the said Act, presented a Petition to the Right Honourable Sir George Cornwall Lewis, as one of Her Majesty's Principal Secretaries of State, praying that such provision may be made for the future execution, by the aforesaid Local Board, of a certain Local Act of Parliament in force within the District of such Borough, and intituled "An Act for establishing and regulating the Market, and for enlarging and improving the Market Place at Hanley, in the County of Stafford" (53 Geo. 3. c. cxv.), that the powers and property now held and possessed by the Trustees under the aforesaid Local Market Act may be transferred to, and vested in, the said Mayor, Aldermen, and Burgesses, acting as such Local Board under the herein-before recited Local Government Act, 1858.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition, and report has been made thereon to me, as one of Her Majesty's Principal Secretaries of State as aforesaid, by William Ranger, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

- 1.—The powers, rights, authorities, duties, and liabilities of the Trustees for the time being, acting in execution of the aforesaid Local Market Act of the 53 Geo. 3. c. cxv. ("for establishing and regulating the Market, "and for enlarging and improving the Market Place at Hanley, in "the County of Stafford") shall cease; and the said powers, rights, authorities, duties, and liabilities shall be transferred to the said Mayor, Aldermen, and Burgesses acting as such Local Board for the said Borough of Hanley, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Local Government Act, 1858.
- 2.—All property and estate of the Trustees acting in the execution of the said Local Act shall be transferred to and become vested in the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board, except as herein-after provided, upon the same trusts, and for the same purposes, and with the same rights, powers, and privileges, as by such Trustees.
- 3.—All debts, monies, and securities for money contracted or payable or to become payable by such Trustees, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith, if this Order had not been made; and shall be paid and satisfied by the said Local Board, as by such Trustees.
- 4.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, within the district of the said Local Board.
- 5.—Provided also, that if such property and estate be more than sufficient, any surplus that may accrue shall be primarily applicable in or towards a Cattle Market and Slaughterhouses, if deemed expedient, and such increased Market Accommodation as may from time to time appear advisable. Provided also, that no part of the said surplus shall be applicable in or towards Expenses of Sewerage, or of ordinary Highway Repairs, except within the limits of the Market Place, or the approaches adjacent thereto.
- 6.—All expenses which shall be incurred by the said Local Board under the said Local Act, and which shall not be defrayed out of monies arising under such Local Act, shall be deemed to be expenses incurred by such Board under the Local Government Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Local Government Act.

Given under my hand this Twenty-sixth day of April 1862.

(Signed) G. GREY.

STROUD.

Provisional Order for extending the Borrowing Powers of the Stroud Local Board of Health.—Local Government Act, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the area comprised within the boundaries of the Town of Stroud, in the County of Gloucester, as defined in the second section of the Local Act of 6 Geo. 4. c. 6.; and, under the provisions of the Public Health Supplemental Act, 1857, 20 Vict. cap. 3., the Commissioners for the time being acting in execution of the said Local Act “for paving, lighting, watching, cleansing, regulating, and “improving the town of Stroud, in the county of Gloucester,” were appointed the Local Board of Health under the said Public Health Act.

And whereas the powers, authorities, and duties of the said Commissioners ceased from and after the passing of the aforesaid Public Health Supplemental Act, 1857, and were transferred to the said Local Board of Health, to be exercised as if they had been granted or imposed by the said Public Health Act; and all property and estate of the Commissioners acting in the execution of the said Local Act were also transferred to the said Local Board of Health, and all debts, monies, and securities for money contracted or payable, or to become payable by such Commissioners, were thenceforth to be satisfied by the said Local Board.

And whereas the said Commissioners had duly raised under the authority of their Local Act, sums of which Two thousand nine hundred pounds still remain due and payable; and the said Local Board of Health have since the passing of the aforesaid Public Health Supplemental Act, 1857, received sanction under the Local Government Act, 1858, and the Public Health Act, 1848, to borrow upon security of the rates of the aforesaid District of Stroud, sums amounting in the whole to thirteen thousand five hundred pounds to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other Works of a permanent nature under the aforesaid Acts; and whereas a further sum of One thousand six hundred pounds will be required to carry out and complete the said works and to carry out other works of a permanent nature, but such further sum, with the first herein-before mentioned sums, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum not exceeding One thousand six hundred pounds beyond the sums herein-before mentioned, and making altogether an amount not exceeding Eighteen thousand pounds.

And whereas after due inquiry and report by Robert Rawlinson, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

- 1.—The Local Board of Health for the District of Stroud in the county of Gloucester shall have power and authority to borrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, any sum or sums which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole the sum of Eighteen thousand pounds; and to reborrow on mortgage of the said rates the whole or any part of the several aforesaid sums amounting in the whole to not more than Eighteen thousand pounds, the said sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing or reborrowing thereof.

Given under my hand this Twenty-fourth day of March 1862.

(Signed) G. GREY.

ILFRACOMBE.

Provisional Order for extending the Borrowing Powers of the Ilfracombe Local Board of Health.—Local Government Act, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the Parish of Ilfracombe in the County of Devon.

And whereas the Local Board of Health for the District of Ilfracombe so constituted have duly borrowed, under the Provisions of that Act and of the Local Government Act, 1858, sums, amounting in the whole to Thirteen thousand Pounds, to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other works of a permanent nature under the aforesaid Acts; and whereas a further sum will be required to carry out and complete the said works and to carry out other works of a permanent nature, but such further sum, with the first herein-before mentioned sum, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum or sums which, with the amount already borrowed, shall not exceed in the whole one and a half years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer
of

of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

- 1.—The Local Board of Health for the District of Ilfracombe in the county of Devon shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a sum or sums which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole one and a half years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this Twenty-fourth day of March 1862.

(Signed) G. GREY.

LONGTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Longton Local Board, for the Purchase of Land by the said Board for Market Improvements.—Local Government Act, 1858.

Whereas portions of the Local Government Act, 1858, have been duly adopted by the Longton Board of Commissioners, acting under and by virtue of an Act intituled "An Act for establishing an effective Police in Places within or adjoining to the District called the Staffordshire Potteries, and for improving and cleansing the same, and better lighting Parts thereof;" and whereas the said portions of the aforesaid Local Government Act, 1858, have now the force of law within the district of Longton aforesaid; and whereas the said Longton Board of Commissioners as Local Board under such Act, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, duly adopted by them as aforesaid, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase a certain piece of land and certain buildings for the purpose of improving the market-place situate within their District.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, and the names of the owner, lessee, and occupier of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or

who have returned no answer to the notice issued by such Board ; and such Petition prayed that the said Board might with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement ; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The Longton Board of Commissioners aforesaid, being the Local Board for the District of Longton, in the Parish of Stoke-upon-Trent, in the County of Stafford, shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Twenty-fourth day of March 1862.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken as described in the foregoing Order, are the following :—

Description of Lands, Messuages, Buildings, and Premises.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Freehold messuage or tenement and premises in Market Lane, Longton, and used as a retail beer house, adjoining the Longton Market.	Felix Pratt Ford, of the Lawn, Stoke-upon-Trent.	Late in the occupation of Ralph Adams, but now unoccupied.

HALIFAX.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Halifax Local Board of Health, for the Purchase of Land by the said Board for Street Improvements.—Local Government Act, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Halifax, in the County of York, by the Council of the said Borough, being the Local Board of Health in and for the District of the said Borough, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the
General

General Board of Health, confirmed by "The Public Health Supplemental Act, 1851," (No. 3), have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of widening, opening, enlarging, and improving certain streets and highways, in the said Borough, such land and buildings being all situate within the District of the said Local Board of Health.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the district aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order,

- 1.—The Mayor, Aldermen, and Burgesses of the Borough of Halifax, by the Council of the said Borough, being the Local Board of Health for the District of that Borough, shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Twenty-eighth day of March 1862.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken as described in the foregoing Order, are the following:—

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Pasture Field - -	249	Joseph Crossley - - John Whiteley Ward, and Joshua Smithson - -	Joseph Crossley. John Whiteley Ward, and Joshua Smithson.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Public Road - - - -	250	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - - - -	251	John Waterhouse - - - Thomas Adam, William Hoyland, and Jeremiah Sharp Brown.	William Smith.
Pasture Field - - - -	252	John Waterhouse - - - Thomas Adam, William Hoyland, and Jeremiah Sharp Brown.	William Smith.
Pasture Field - - - -	253	William Dean - - - -	Dan Leeming.
Pasture Field and Foot- path. - - - -	254	Adam Lowe - - - - James Settle Highley, and William Casson, and As to Footpath, the Mayor, Aldermen, and Burgesses of the Borough of Hali- fax.	Mary Ann Lee, and as to Footpath the Mayor, Al- dermen, and Burgesses of the Borough of Halifax.
Pasture Field - - - -	255	John Gibson - - - -	John Gibson.
Public Road - - - -	256	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - - - -	257	Robert Edleston, and Dickenson Edleston.	John Marchant.
Pasture Field - - - -	258	Charles Emmet - - - -	James Bates.
Pasture Field - - - -	259	John Abbott - - - -	John Longbottom.
Pasture Field and Cow- shed. - - - -	260	John Abbott - - - -	John Longbottom.
Pasture Field - - - -	261	John Abbott - - - -	John Longbottom.
Pasture Field - - - -	262	John Abbott - - - -	John Longbottom.
Public Road - - - -	263	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - - - -	264	The Venerable Archdeacon Musgrave.	John Blagbrough.
Pasture Field - - - -	265	The Venerable Archdeacon Musgrave.	John Blagbrough.
Pasture Field - - - -	266	The Venerable Archdeacon Musgrave.	John Blagbrough.
Pasture Field - - - -	267	Thomas Selby Walsh - -	Thomas Selby Walsh.
Public Road - - - -	268	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - - - -	269	George Buckston Browne -	John Edwards, Lessee. Joseph Wilson, Occupier.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Pasture Field and Plan- tation.	270	George Buckston Browne -	John Edwards, Lessee. Joseph Wilson, Occupier.
Public Road - - -	271	The Mayor, Aldermen, and Burgesses of the Borough of Halifax,	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Yard, Privies, and Ash- place.	272	Mason Stanhope Kenny - George Armytage, and James Roberts -	Joseph Wilson. David Whitehead. Thomas Whitaker. Robert Walsh. William Halstead. James Ogden. James Thornton. William Parker. John Croft. Sarah Windle. Abraham Greenwood. Jonas Sturrock. William Foster. Joseph Calcroft. Joseph Green. John Naylor. Timothy Naylor, and James Bottomley.
Pasture Field - - -	273	Mason Stanhope Kenny and George Armytage.	John Clegg.
Pasture Field and Cow- shed.	274	Mason Stanhope Kenny and George Armytage.	John Calcroft.
Pasture Field - - -	275	Arthur Saltmarsh - - -	John Hoyle.
Pasture Field and Shed	276	Arthur Saltmarsh - - -	John Hoyle.
Plantation - - -	277	Mason Stanhope Kenny and George Armytage.	John Calcroft.
Garden - - - - -	193	Joseph William Bates -	William Brown.
Garden - - - - -	194	Joseph William Bates -	William Brown.
Privies and Ashpit -	195	Joseph William Bates -	Joseph William Bates.
Privy and Henhouse -	196	Joseph William Bates -	William Brown.
Pasture Field - - -	197	Joseph William Bates -	George Cockcroft.
Private Road - - - -	198	James Farr - - - - Lawson Hall, and - Nancy Hudson - - -	Mary Freeman. William Robinson. Albert Utley. Charles Mallinson. John Bentley Walker. Hannah Mann. Edward Blamire. Aaron Wilkinson. Nancy Hudson. Joseph Holt. Thomas Archer. John Crabtree. Samuel Blamire. William Smith. William Shaw. John Holmes. William Walker. Betty Sutcliffe. Alfred Pulman, and Thomas Lees.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Forecourt (portion of) -	199	Lawson Hall - -	William Robinson.
Yard and Ashpit -	200a	John Sutcliffe - -	John Sutcliffe. Thomas Wood. Thomas Pickles. Abraham Taylor, and Mary Fawcett.
Yard and Ashpit -	200b	John Sutcliffe - -	Martha Duffield. William Booth. James Ingham, and John McKenzie.
Forecourt - -	205	Thomas Chambers - -	Hannah Dodgson.
Forecourt - -	206	Thomas Chambers - -	Sarah Parker.
Forecourt - -	207	Thomas Chambers - -	Joseph Bottomley.
Arable Land - -	233	James Sunderland and Mary, his wife.	George Washington.
Pasture Field - -	234	Job Helm - - - -	Pickles Roberts.
Garden - - -	235	Job Helm - - - -	Pickles Roberts.
Occupation Road -	235a	Job Helm - - - -	Henry Wilson, William Varley, James Riley, and John Shillito.
Pasture Field - -	236	Thomas Selby Walsh -	Thomas Selby Walsh.
Arable Field - -	237	Mary Anne Sunderland -	George Washington.
Arable Field - -	238	Mary Anne Sunderland -	George Washington.
Pasture Field and Plan- tation.	239	Daniel Ramsden -	Daniel Ramsden.
Pasture Field - -	240	Thomas Mitchell, - Joseph Sowter, - John Clegg, - Joseph Hall, Daniel Ramsden, and Eagland Bray.	Thomas Mitchell, Joseph Sowter, and John Clegg.
Garden - - -	242	Evan Charles Sutherland Walker.	George Nicholson.
Pasture Field - -	243	George Buckston Browne -	John Edwards, Lessec. Joseph Wilson, Occupier.
Cottage - - -	244	George Buckston Browne -	Sidney Stocks.
Garden - - -	245	George Buckston Browne -	Sidney Stocks.
Pasture Field - -	246	Robert Edleston and Dickenson Edleston.	Joseph Gaukroger, Thomas Gaukroger, and Henry Gaukroger.
Pasture Field - -	247	Esau Hanson and James Bairstow.	Esau Hanson and James Bairstow.
Pasture Field - -	248	Samuel Empsall - -	Samuel Empsall.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Warehouse - -	140	Abram Pulman - -	Joseph Sugden.
Public Street - -	142	Mayor, Aldermen, and Bur- gesses of the Borough of Halifax.	Mayor, Aldermen, and Bur- gesses of the Borough of Halifax.
Cottage - -	143	Thomas Sayle and William Garlick.	Elizabeth Pickering.
Cottage - -	144	Thomas Sayle and William Garlick.	John Firth.
Cottage - -	145	Thomas Sayle and William Garlick.	Joseph Cooper.
Cottage - -	146	Thomas Sayle and William Garlick.	Charles Whiteley.
Cottage - -	147	Thomas Sayle and William Garlick.	Charles Whiteley.
Forecourt - -	148	Thomas Sayle and William Garlick.	Caroline Smith.
Cottage - -	149	Thomas Sayle and William Garlick.	Caroline Smith.
Cottage - -	152	Thomas Sayle and William Garlick.	Benjamin Crapper.
Washhouse - -	153	Thomas Sayle and William Garlick.	Benjamin Crapper.
Cottage - -	154	Thomas Sayle and William Garlick.	James Clegg.
Cottage - -	155	Thomas Sayle and William Garlick.	Benjamin Crapper and George Hagin.
Cottage - -	156	Thomas Sayle and William Garlick.	Edward Shoesmith.
Passage, Privy, and Ash- pit.	156a	Thomas Sayle and William Garlick.	Edward Shoesmith, Benjamin Crapper, James Clegg, Benjamin Crapper, Charles Whiteley, and George Hagin.
Cottage - -	157	Thomas Sayle and William Garlick.	Alfred Hobson.
Cottage - -	158	Thomas Sayle and William Garlick.	Edward Lainton and Thomas Illingworth.
Cottage - -	159	Thomas Sayle and William Garlick.	Mary Carter.
Curriers Shop, Yard, and Privy.	160	James Sunderland and Mary his wife.	Robert Hill.
Stable and Pig Sty -	161	James Sunderland and Mary his wife.	Robert Hill and Thomas Brown.
Pasture Land and Plan- tation.	162	James Sunderland and Mary his wife.	Henry Pearson.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Privy and Ashpit -	163	Edward Akroyd and James Akroyd Beaumont.	James Tiffany, Mary Spencer, James Best, Alfred Whitaker, and David Halmshaw.
Passage - -	163a	Edward Akroyd and James Akroyd Beaumont.	James Tiffany, Mary Spencer, James Best, Alfred Whitaker, and David Halmshaw.
Forecourt - -	164	Edward Akroyd and James Akroyd Beaumont.	Mary Spencer.
Forecourt - -	165	Edward Akroyd and James Akroyd Beaumont.	James Tiffany.
Public Street (Lower Brunswick Street).	166	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Butchers Shop - -	167	Joseph Vickerman - -	Charles Peel.
Forecourt - -	168	Joseph Vickerman - -	John Waterhouse.
Forecourt - -	169	Joseph Vickerman - -	Joseph Mallinson.
Public Street - -	170	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Forecourt - - -	171	Eliza Stephenson Denton -	William Smith.
Forecourt - -	172	Eliza Stephenson Denton -	Amos Rushworth.
Passage - - -	173	Eliza Stephenson Denton -	Sarah Howarth, Elizabeth Fidler, Amos Rushworth, William Smith, Robert Greenwood, Ellen Walker, James Wild, Isabella Bentley, Nathan Crook, William Lee, and James Clegg.
Forecourt - - -	174	Eliza Stephenson Denton -	Sarah Howarth.
Forecourt - - -	175	Eliza Stephenson Denton -	Elizabeth Fidler.
House - - -	176	John Pritchard and John William Balme.	Joseph Savile Stott.
Garden - - -	178	John Pritchard and John William Balme.	Joseph Savile Stott.
Private Road - -	179	John Pritchard and John William Balme.	John Pritchard, John William Balme, and Joseph Savile Stott.
Garden - - -	180	John Pritchard and John William Balme.	Joseph Savile Stott.
Garden and Summer House.	181	Robert Edleston and Dickenson Edleston.	Joseph Savile Stott.

Description of Land, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Building Land - - -	182	Robert Edleston and Dickenson Edleston.	Robert Edleston and Dickenson Edleston.
Shed - - -	183	Robert Edleston and Dickenson Edleston.	George Wadsworth.
Croft - - -	185	Mary Anne Sunderland -	Joseph Thornton.
Pasture Field - -	186	Mary Anne Sunderland and John Abbott.	Joseph Thornton.
Pasture Field - -	187	Mary Anne Sunderland -	Joseph Thornton.
Garden - - -	10	Samuel Hodgson, John Carr, David Porter, John Baldwin, George Naylor, Joshua Appleyard, James Thistleton Haigh, Jonathan Smith, Thomas Nicholl, James Davy, and William Wood.	James Sutcliffe.
Chapel Yard, and Ash- pit.	11	Samuel Hodgson, John Carr, David Porter, John Baldwin, George Naylor, Joshua Appleyard, James Thistleton Haigh, Jonathan Smith, Thomas Nicholl, James Davy, and William Wood.	Samuel Hodgson, John Carr, David Porter, John Baldwin, George Naylor, Joshua Appleyard, James Thistleton Haigh, Jonathan Smith, Thomas Nicholl, James Davy, and William Wood.
Yard - - -	13	Mary Harger - -	John Henry Leyland.
House - - -	14	Elizabeth Asquith -	William Asquith.
House - - -	15	Elizabeth Asquith -	Elizabeth Asquith.
House - - -	16	Elizabeth Asquith -	Edward Pickles.
House and Shop and Cellar Cottage.	17	John Ingham - -	William Kerr and John Garvan.
House and Shop -	18	Henry Blackburn -	Frances Wood.
House and Shop -	19	Henry Blackburn -	John Greenwood.
House and Shop -	20	Henry Blackburn -	John Archer.
Yard - - -	21	Henry Blackburn -	Frances Wood, John Greenwood, John Archer, George Thomas, Nowell Clegg, Henry Wood, and Mark Haley.
House - - -	21a	Henry Blackburn -	Nowell Clegg.
House and Forecourt -	22	Henry Blackburn -	Henry Wood.
House and Forecourt -	22a	Henry Blackburn -	Mark Haley.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Shop - - -	23	Henry Blackburn - -	Betty Blagbrough.
House - - -	23a	Henry Blackburn - -	Daniel McCormick.
Yard - - -	24	Henry Blackburn - -	Lewis Holroyd, Michael Calligan, James Haley, and Daniel McCormick.
House and Shop -	25	Henry Blackburn - -	Lewis Holroyd.
Coal Staith and Yard -	27	Ann Ball - -	Mary Hannah Rushworth.
House and Shop -	28	Ann Ball - -	Joseph Aaron.
House - - -	29	James Crabtree - -	Joseph Balmforth.
Shed - - -	31	John Crossley - -	Thomas Worth.
House - - -	32	James Crabtree - -	Job Aspinall, Lessee, and Ely Rothwell, Occupier.
House - - -	36	James Crabtree - -	Michael Welsh.
Passage - - -	37	John Horsfall, and James Crabtree.	Ely Rothwell, Michael Welsh, John Landers, John Horsfall, John McCormack, Mary Cawley, William Mitchell, Edward Cullen, Henry Colbeck, John Martin, James Horner, Richard Haigher, James Atkin, Thomas Watt, James Bedforth, and Mathew Uttley.
Shop - - -	38	John Horsfall - -	James Horner.
Shop - - -	39	John Horsfall - -	Henry Colbeck.
House and Shop -	40	John Horsfall - -	Henry Colbeck.
Cottage - - -	41	John Horsfall - -	Richard Haigher, and James Atkin.
Passage (Sun Fold) -	42	John Horsfall, and James Crabtree.	Ely Rothwell, Michael Welsh, John Landers, John Horsfall, John McCormack, Mary Cawley, William Mitchell, Edward Cullen, Henry Colbeck, John Martin, James Horner, Richard Haigher, James Atkin, Thomas Watt, James Bedforth, and Matthew Uttley.
Cottage and Steps -	43	John Horsfall - -	William Mitchell.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Cottage - - -	44	John Horsfall - -	Thomas Watt.
House and Shop - -	45	John Horsfall - -	James Bedforth.
Shop - - -	45	John Horsfall - -	Matthew Uttley.
Public House - -	46	John Horsfall - -	John Horsfall
House and Shop - -	47	John Hartley - -	John Hartley.
Stable, Brewhouse, and Privy - - -	48	John Horsfall - -	John Horsfall.
Yard - - -	48a	John Horsfall - -	John Horsfall
Wash-kitchen and Privies	49	John Horsfall, and James Crabtree.	Ely Rothwell, Michael Welsh, John Landers, John Horsfall, John McCormack, Mary Cawley, William Mitchell, Edward Cullen, Henry Colbeck, John Martin, James Horner, Richard Haigher, James Atkin, Thomas Watt, James Bedforth, and Matthew Uttley.
House - - -	49a	James Crabtree - -	John Landers.
House and Chamber over Passage.	50	John Crossley - -	Patrick Naughton.
Privy and Yard - -	50a	John Crossley - -	Thomas Worth, William Jagger, Michael Quirk, John Mc Cue, Larry Martin, and Patrick Naughton.
Yard, called Sun Fold -	51	John Horsfall, and James Crabtree.	Job Aspinall, Lessee, Ely Rothwell, Michael Welsh, John Landers, John Horsfall, John McCormack, Mary Cawley, William Mitchell, Edward Cullen, Henry Colbeck, John Martin, James Horner, Richard Haigher, James Atkin, Thomas Watt, James Bedforth, and Matthew Uttley.
House - - -	52	John Horsfall - -	John Martin.
House - - -	53	John Horsfall - -	Henry Colbeck.
House - - -	54	John Horsfall - -	Edward Cullen.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner,	Lessee or Occupier, or reputed Lessee or Occupier.
House - - -	55	John Horsfall - - -	Mary Cawley.
House - - -	56	John Horsfall - - -	John McCormack.
Public House (Reed Inn)	58	Adam Priestley - - -	Adam Priestley.
House, Shop, and Cellar, Cottage.	59	Adam Priestley - - -	William Ramsden.
House and Cellar Cottage	60	Adam Priestley - - -	Henrietta Priestley, and Ellen Macgregor.
House and Cellar Cottage	61	Adam Priestley - - -	Albert Veale, and Hannah Priestley.
House and Shop -	62	Evan Charles Sutherland Walker.	Samuel Whitehead, and William Firth.
Shop - - -	63	Evan Charles Sutherland Walker.	Samuel Whitehead, and John Bolton.
House and Shop -	64	Evan Charles Sutherland Walker.	Richard Stocks.
House - - -	65	Evan Charles Sutherland Walker.	William Musgrave,
House - - -	66	Evan Charles Sutherland Walker.	Catherine Cosgray.
House - - -	67	Evan Charles Sutherland Walker.	Ann Aked.
Privies and Ashpit -	68	Evan Charles Sutherland Walker.	Samuel Whitehead, John Bolton, Richard Stocks, William Firth, Ann Aked, Catherine Cosgray, and William Musgrave.
Yard, called Walker's Yard.	69	Evan Charles Sutherland Walker.	Samuel Whitehead, John Bolton, Richard Stocks, William Firth, Ann Aked, Catherine Cosgray, and William Musgrave.
House and Cellar Cottage	70	Evan Charles Sutherland Walker.	Terence Lenard, and Samuel Whitehead.
House and Shop -	72	Evan Charles Sutherland Walker.	Thomas Barker.
House - - -	73	Evan Charles Sutherland Walker.	John Ward.
Shop - - -	74	Governors of the United Charities of Nathaniel Waterhouse.	James Eastwood, Lessee, Charles Whiteley, Occupier.
Beer-shop, House, and Fore-court.	75	Governors of the United Charities of Nathaniel Waterhouse.	James Eastwood, Lessee, Isaac Halliday, Occupier.
Back Yard - - -	78	Governors of the United Charities of Nathaniel Waterhouse.	James Eastwood, Lessee, Isaac Halliday, Occupier.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Passage	79	Evan Charles Sutherland Walker.	Edward Wild, Thomas Killeen, Henry Roberts, James McMaurence, John Ward, William Brear, John McMarris, Terence Lenard, Samuel Whitehead, Thomas Barker, William Booth, Malinda Hall, James McCormack, William Shoesmith, James Spencer, Richard Jenkinson, William Wells, James Farrar, and Abraham Jagger.
House - - -	80	Evan Charles Sutherland Walker.	Malinda Hall.
House - - -	81	Evan Charles Sutherland Walker.	William Booth.
House - - -	84	Evan Charles Sutherland Walker.	John Ward.
House - - -	84a	Evan Charles Sutherland Walker.	William Brear.
House - - -	84b	Evan Charles Sutherland Walker.	John McMarris.
Yard and Passage, called Hatter's Fold.	85	Evan Charles Sutherland Walker.	Edward Wild, Thomas Killeen, Henry Roberts, James McMaurence, John Ward, William Brear, John McMarris, Terence Lenard, Samuel Whitehead, Thomas Barker, William Booth, Malinda Hall, James McCormack, William Shoesmith, James Spencer, Richard Jenkinson, William Wells, James Farrar, and Abraham Jagger.
Yard, called Black Horse Yard.	86	Evan Charles Sutherland Walker.	William Bairstow, William Hainsworth, William Morton, Joseph Ogden, and William Denby.
Yard - - -	3	Robert Dudgeon - - - Thomas Potter, and Martha, his Wife, and Evan Charles Sutherland Walker.	Benjamin Throp, and David Cordingley.

Description of Lands, Messuages Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Privy and Ashplace -	4	Robert Dudgeon - Thomas Potter, and Martha, his wife, and Evan Charles Sutherland Walker.	Benjamin Throp, and David Cordingley.
Stable and Outbuild- ings.	5	Evan Charles Sutherland Walker.	Benjamin Throp.
Nursery Ground -	7	Evan Charles Sutherland Walker.	Benjamin Thorop.
House and Shop -	1	William Akroyd -	Levi Bainbridge.
House and Cellar Cot- tage.	2	Jonathan Smith -	John Shaw, and James Baines.
Cottage -	96	John Crossley - Joseph Crossley, and Francis Crossley.	Joseph Kilburn.
Cottage -	97	John Crossley - Joseph Crossley, and Francis Crossley.	Thomas Bairstow.
House and Cellar Cot- tage.	98	John Crossley - Joseph Crossley, and Francis Crossley.	Ellen Horsfall, and Euphemia Gill.
Cottage -	99	Robert Edleston, and Dickenson Edleston.	Martha Garside.
Cottage -	100	Robert Edleston, and Dickenson Edleston.	William Helliwell.
Cottage -	101	Robert Edleston, and Dickenson Edleston.	Susannah Dawson.
Cottage and Coal Place -	102	Robert Edleston, and Dickenson Edleston.	Henry Dawson.
Yard, portion of -	103	Robert Edleston, and Dickenson Edleston.	Robert Edleston, and Dickenson Edleston.
Dyehouse -	104	Robert Edleston, and Dickenson Edleston.	Robert Edleston, and Dickenson Edleston.
House -	104a	Robert Edleston, and Dickenson Edleston.	William Balme.
Workshop and Yard -	105	John Crossley - Joseph Crossley, and Francis Crossley.	George Townsend, John Drake, and William Woodworth.
Millwrights Shop and Yard.	106	John Crossley - Joseph Crossley, and Francis Crossley.	Joseph Keighley and Benjamin Keighley.
Public Footpath -	107	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Warehouse -	108	John Crossley - Joseph Crossley, and Francis Crossley.	John Crossley, Joseph Crossley, and Francis Crossley.
Workshop and Yard -	110	John Crossley - Joseph Crossley, and Francis Crossley.	John Crossley, Joseph Crossley, and Francis Crossley.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Cottage -	112	John Wadsworth -	William Wadsworth.
Shop and Chamber over	113	John Wadsworth -	James Taylor, and Naomi Baker.
House and Shop -	113a	John Wadsworth -	John Hadfield.
Yard - -	113b	John Wadsworth -	John Booth, William Wadsworth, James Taylor, and Naomi Baker.
Passage and Privy -	113c	John Wadsworth -	John Booth, William Wadsworth, Naomi Baker, John Hadfield, James Taylor, John Wadsworth, and Mary Gaukroger.
Cottage and Outkitchen	114	John Wadsworth -	John Booth.
House and Shop -	115	John Wadsworth -	John Wadsworth.
House and Shop -	118	John Wadsworth -	Mary Gaukroger.
Passage and Yard -	119	Richard Oates, and John Oates.	Sarah Pearce, William Mumford, William Bottomley, and James Mitchell.
Cottage - -	120	Richard Oates, and John Oates.	William Mumford.
Cottage - -	121	Richard Oates, and John Oates.	William Bottomley.
Iron Foundry - -	122	Richard Oates, and John Oates.	Richard Oates, and John Oates.
Yard and Office -	125	Richard Oates, and John Oates.	Richard Oates, and John Oates.
Public Passage (steps) -	126	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
House and Shop -	127	John Teale, and Mary Teale.	Timothy Scholefield.
House and Shop, and Cottages over same.	128	John Teale, and Mary Teale.	John Blagbrough, Henry James, and Betty Midgley.
House and Kitchen -	130	James Holroyd Oates -	Robert Bottomley.
House and Shop -	137	John Fisher - John Gibson, and George Young.	Peter Watson.
House and Shop -	138	John Fisher - John Gibson, and George Young.	Charles Spencer Jardine.
Public House (White Lion Inn).	139	Henry Charles McCrea, and William Barber.	Ruth Adamson.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
House and Pasture Field	210	John Crossley, Joseph Crossley, and Francis Crossley.	Edward Molyneaux.
Pasture Field - -	211	Mary Scott Byerley, Margaret Byerley, John Crossley, Joseph Crossley, and Francis Crossley.	William Smith, and Henry Ramsden,
Delph Hill - -	212	John Crossley, Joseph Crossley, and Francis Crossley.	John Crossley, Joseph Crossley, and Francis Crossley.
Pasture Field - -	213	Mary Scott Byerley, Margaret Byerley, John Crossley, Joseph Crossley, and Francis Crossley.	William Smith, and John Robinson.
Pasture Field - -	214	John Gott, and Thomas Adam.	John Gott, and Thomas Adam.
Quarry - - - -	215	John Gott, and Thomas Adam.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Rough Field - -	216	John Gott, and Thomas Adam.	The Mayor, Aldermen, and Burgesses of the Borough of Halifax.
Pasture Field - -	217	Joseph Mason Tennant, and John Hope Shaw.	John Kenworthy, Lessee. James Firth, and Richard Horsfall, Occupiers.
Pasture Field - -	218	Joseph Mason Tennant, and John Hope Shaw.	John Kenworthy, Lessee. Richard Horsfall, Occupier.
Pasture Field - -	219	John Gott, and Thomas Adam.	William Smith, and George Wilcock.
Pasture Field - -	220	Joseph Mason Tennant, and John Hope Shaw.	John Kenworthy, Lessee. Richard Horsfall, Occupier.
Pasture Field - -	221	Joseph Mason Tennant, and John Hope Shaw.	John Kenworthy, Lessee. Richard Horsfall, Occupier.
Plantation Ground and Private Road.	223	John Gott, and Thomas Adam.	John Gott.
Gateway and Garden -	224	John Gott, and Thomas Adam.	William Smith, Lessee and Occupier.
House and Shop - -	87	William Rawnsley - - -	George Frederick Smeeton.
House and Shop - -	88	William Rawnsley - - -	Elizabeth Hall
Privies and Ashplace -	89	William Rawnsley - - -	George Frederick Smeeton, and Elizabeth Hall.
Back Yard - - - -	90	William Rawnsley - - -	George Frederick Smeeton, and Elizabeth Hall.
Shop - - - - -	91	John Crossley - - - -	Samuel Crabtree, and Thomas Crabtree.

Description of Lands, Messuages, Tenements, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Yard called Union Cross Yard.	92	John Crossley, John Riley, Thomas Bass, James Whewall, Samuel Swindell, Edward Akroyd, and James Akroyd Beaumont.	Sarah Daxon, John Riley, Richard Slade, Francis Rawlings, James Whewall, Samuel Swindell, William Tasker, John Walsh, Alfred Pigg, Henry Fleming, Thomas Bass, Samuel Crabtree, and Thomas Crabtree.
Yard - - -	93	John Crossley - - -	Sarah Daxon.
Shed - - -	94	John Crossley - - -	Sarah Daxon.
Workshop - - -	95	Samuel Atkinson - - -	Abraham Mitton, and John Fox, Lessees. John Fitz-Simmonds, Thomas Clegg, and Samuel Hodgson, Occupiers.
Coal Staith - - -	132	John Foster - - -	John Ramsbottom.
Yard - - -	133	John Foster - - -	John Ramsbottom.
Coal Staith - - -	134	John Foster - - -	Charles Whitaker.
House and Yard - - -	135	John Foster - - -	William Soukill, Lessee, and Charles Whitaker, Occupier.
Pasture Field - - -	278	William Byles, and James Davy.	Thomas Rushworth.
Pasture Field - - -	279	Godfrey Wright - - -	Henry Marshall.
Privy and Ashpit - - -	280	Godfrey Wright - - -	Isaac Bates, Joseph Noble, Sarah Taylor, Benjamin Birtwhistle, John Emmet, William Cooper, Frances Birtwhistle, Thomas Emmet, Fanny Richardson, Thomas Greenwood, and William Midgley.
Wash-kitchen - - -	282	Godfrey Wright - - -	Henry Marshall.
Cottage - - -	283	Godfrey Wright - - -	Henry Marshall, and Henry Whitaker.
Privy and Ashpit - - -	284	Godfrey Wright - - -	Henry Marshall, Henry Whitaker, Hannah Wade, and Mary Ann Helliwell.
Coal Shed - - -	285	Godfrey Wright - - -	Henry Marshall.
Yard - - -	286	Godfrey Wright - - -	Henry Marshall, Henry Whitaker, Hannah Wade, and Mary Ann Helliwell.
Garden and Middenstead	225	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	William Asquith.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Pasture Field - -	226	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom.
Private Road - -	227	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom, and John Thoseby.
Beer-house and Dwelling-house.	228	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom, and John Thoseby.
Garden - - - -	229	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom, and John Thoseby.
Arable Field - -	230	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom, and John Thoseby.
Arable Field - -	231	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom, and John Thoseby.
Garden - - - -	232	Anne Sunderland, James Sunderland, and Thomas Joseph Sunderland.	Thomas Longbottom and Benjamin Kendall.
Pasture Field - -	232a	John Greenwood - -	John Greenwood.
Forecourt and Back Street.	232b	William Asquith - -	William Asquith.
Private Street - -	232c	James Greenwood and William Asquith.	James Greenwood, William Asquith, Henry Coulton, and Charlotte Thornber.
Garden - - - -	232d	James Greenwood - -	Henry Coulton.
Private Road - -	232e	James Greenwood - -	James Greenwood, John Barker, and Henry Coulton.
Pasture Field - -	232f	Francis Crossley - -	George Fearnley and Thomas Hainsworth, Lessees and Occupiers.
Pasture Field - -	197	Joseph William Bates -	George Cockroft.
Garden and Ashpit -	201	John Shields, and Ann his Wife, Miles Ellison, and Mary Hannah his Wife, Ruth Chappell, Elizabeth Chappell, and James Bairstow.	James Bairstow.
Pasture Field - -	204	Joseph Wood - - -	William Keighley and Eagland Bray.
Cottage - - - -	136	Moses Hartley - - -	Sarah Haslem.
Public House and Dram Shop (Pine Apple Inn).	1	Hannah Barraclough and James Barraclough.	John Robinson.
House and Cellar Cottage.	2	Hannah Barraclough and James Barraclough.	James Richardson and Joseph Bateman.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owner or reputed Owner.	Lessee or Occupier, or reputed Lessee or Occupier.
Forecourt - -	3	Hannah Barraclough and James Barraclough.	Betty Dilworth.
Forecourt " " "	4	Hannah Barraclough and James Barraclough.	Susannah Ingham.
Private Street (Back Pollard Street).	5	Hannah Barraclough, James Barraclough, Esther Mann, James Heap, Sarah Riley, and Thomas Adam.	Susannah Ingham, Frederick Baldwin, Charles Lacy, Betty Dilworth, James Holland, Sarah Ann Scholefield, James Wood, George Rushworth, Leah Ibbetson, Isaac Hanson, Thomas Mann, Robert Phelon, and John Naylor.

IPSWICH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Local Board of Health for the Borough of Ipswich, in the County of Suffolk, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Ipswich, in the County of Suffolk, being the Local Board of Health in and for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under their Common Seal, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve the street called King's Street in the said Borough.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

The Mayor, Aldermen, and Burgesses of the Borough of Ipswich, in the County of Suffolk, being the Local Board of Health for the said Borough, shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my Hand this Second day of April 1862.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Premises proposed to be taken, as described in the foregoing Order, are the following :—

Property to be taken.	Owner.	Lessee.	Occupier.
A house, shop, yard, and hereditaments, with the appurtenances.	Richard Stinton Cole.	- - -	Richard Stinton Cole.
A house, workshop, and hereditaments, with the appurtenances.	The same - -	William Cudding, junior.	William Cudding, junior.

SANDOWN.

Provisional Order repealing a Local Act in force within the District of the Sandown Local Board.—Local Government Act, 1858.

Whereas the Local Board for the District of Sandown, in the Isle of Wight, in which District the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to the Right Honourable Sir George Grey, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of Parliament in force within the Isle of Wight aforesaid, so far as such Act affects the said District of Sandown, the said Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Fifty-third year of the reign of King George the Third, intituled "An Act for amending the Roads and Highways in the Isle of Wight."

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said District in respect of the several matters mentioned in the said Petition.

And

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such order can be valid without the confirmation of Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

- 1.—The said Local Act shall be repealed so far as such Act affects the District of the aforesaid Local Board of Sandown.

Given under my Hand this Twenty-ninth day of April 1862.

(Signed) G. GREY.

Local Government Supplemental.

A

B I L L

To confirm certain Provisional Orders
under the Local Government Act,
1858, relating to the Districts of
Hanley, Stroud, Ilfracombe, Longton,
Halifax, Ipswich, and Sandown.

(Prepared and brought in by
Mr. Clive and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
12 May 1862.

[Bill 114.]

Under 4 oz.

16 July 1862. 25 & 26 VICT.



(No. 2.)

A

B I L L

TO

Confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of Basford, Teignmouth, Kingston-upon-Hull, Ryde, Bedford, and Croydon.

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are
5 contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act, that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto; Be it therefore
10 enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

1. The Provisional Orders contained in the Schedule hereunto
15 annexed shall from and after *the passing of this Act* be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Provisional
Orders in
Schedule
confirmed.

[Bill 212.]

A

2. This

This Act incorporated
with 21 & 22
Viet. c. 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

3. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1862 (No. 2.)" **5**

**SCHEDULE of Provisional Orders referred to in the
preceding Act.**

1. **BASFORD.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Basford Local Board for Street Improvements.
 2. **TEIGNMOUTH.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Teignmouth Local Board for the Formation of a public Road.
 3. **KINGSTON-UPON-HULL.**—Altering the Kingston-upon-Hull Improvement Act, 1854, incorporating in it Provisions of the Towns Improvement Clauses Act, 1847, respecting Streets, and for other Purposes.
 4. **RYDE.**—Extending the Borrowing Powers of the Ryde Commissioners acting as the Local Board within the Ryde District in the Isle of Wight.
 5. **BEDFORD.**—Repealing and altering Parts of Local Acts in force within the District of the Bedford Local Board.
 6. **CROYDON.**—Altering the Provisional Order applying the Public Health Act, 1848, to the District of Croydon, in the County of Surrey.
-

BASFORD.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Basford Local Board in the County of Nottingham, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act, 1858.

Whereas the Basford Local Board in and for the District of Basford in the County of Nottingham, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed; duly presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve certain streets in the said District, as set forth and described in such Petition.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

[212.]

A

Now,

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Basford, in the County of Nottingham, shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, and in the Petition herein-before referred to, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my Hand this Eleventh day of June 1862.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Premises proposed to be taken, as described in the foregoing Order, are the following :—

Property proposed to be taken.	No. on Plan.	Owner.	Occupier.
Garden land - - -	1	Thos. Danks -	Thos. Danks.
Ditto - - -	2	Ditto - -	Edward Clarke.
Club room and garden land -	3	Ann Chamberlain -	Ann Chamberlain.
Garden land and building -	13	James Smith -	James Smith.
Garden land - - -	14	Benjamin Abbot -	Thomas Fox.
Ditto - - -	15	Thomas Smedley and William Ivory Fletcher.	Thomas Hanson.
Ditto - - -	16		Edward Brailsford.
Ditto - - -	17		James Blyton.
Ditto - - -	18		William Hopcraft.
Ditto - - -	19		Thomas Smedley.
Ditto - - -	20		Samuel Dodson.
Back yard and premises -	21	William Clay -	Alfred Torr.
Ditto - - -	22		Sarah Kent.
Ditto - - -	23		Ann Buckland.
Ditto - - -	24		Unoccupied.
Ditto - - -	25		John Fox.
Ditto - - -	26		William Wallwin.
Ditto - - -	27		John Woodward.
Ditto - - -	28		John Shipstone.
Garden land and outbuilding -	29	William Birkin -	William Birkin.
Ditto - - -	30	George Smith -	George Smith.
Garden land - - -	31	Robert Wright -	Robert Wright.
Garden land and premises -	32	Sarah Knight -	Mark Mitchell.
Ditto - - -	33		Mary Osborne.
Yard, stable, and premises -	34	William Frost -	George Diggle.
			John Ford.
Dwelling-house - - -	35	Fred. Harwood Ward	Thomas Keeling.
Dwelling-houses and garden land	37		Thomas Bradbury.
Dwelling-house - - -	38	Rich. Vickerstaff -	Ruth Godber.
Ditto - - -	39		Thos. Osborne.
Ditto - - -	40		Unoccupied.
Ditto - - -	41		Ditto.
Ditto - - -	42	William Marriott -	William Marriott.
Ditto - - -	43	Mary Corden -	Mary Corden.
Ditto - - -	44	Ditto - -	Ditto.
Garden land - - -	45	Elias Alton -	Harriet Perrons.
Ditto - - -	46	William Maltby -	Richard Spencer.
House, premises, and garden land	47		Ann Henson.

TEIGNMOUTH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Teignmouth Local Board, for the Purchase of Land by the said Board for a Public Road.—Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted by the Commissioners for the Improvement of the Town of Teignmouth in the County of Devon; and whereas the said Local Government Act, 1858, has now the force of law within the district of the town of Teignmouth aforesaid; and whereas the said Commissioners, acting as Local Board under such Act, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, duly adopted by them as aforesaid, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition to me as one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for the purpose of forming a road or public highway within the District of the said Local Board.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might with reference to such lands and buildings be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The Teignmouth Improvement Commissioners aforesaid, being the Local Board for the District of Teignmouth in the County of Devon, shall be empowered to put in force, with reference to the lands and buildings referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Fifth day of June 1862.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken as described in the foregoing Order, are the following (the numbers in column 2 referring to the numbers on the Plan accompanying the Local Board's Petition to the Secretary of State):—

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owners or reputed Owners.	Lessees and Occupiers or reputed Lessees and Occupiers.
Part of a Field called Long Meadow, containing 1 rood and 36 perches.	1	George Ferris Whidborne, George Moir, and John Hellyer Tozer.	William Parsons.
Part of fields called Buckeridge Fields, Blackallers and Little Allers, containing 1 rood and 28 perches.	2, 3, 4, & 5	George Ferris Whidborne, George Moir, and John Hellyer Tozer.	William Cotton.
Part of a field called Long Park, containing 11 perches.	6	Sanderson John Howe	William Mann.
Part of a field called Lower Heath Park, containing 1 rood.	7	Charles Langley and William Henry Langley.	William Mann.
Part of fields called Rickyard, containing 18 perches.	8	John Rendell and Thomas Pidsley.	Henry Hoare.
Part of fields called Big Paradise, Little Mead, and Little Paradise, containing 28 perches.	9 and 10	George Frederick Truscott and the Rev. Charles Rodwell Roper.	Thomas Gribble and Henry Lake Hirtzel.
Part of a field called Paradise, containing 22 perches.	11	The Trustees of Grendon's Charity, viz.,—George Braund, James Commin, Charles Davey, Alfred Evans, Henry Lake Hirtzel, William Hooper, Charles Kingdon, Kent Kingdon, William Miles, Patrick Miller, James Pasmore, Edward Andrew Sanders, Thomas Snow, Perry Sparkes, John Hull Terrell.	Thomas Gribble and Henry Lake Hirtzel.
Part of a field called Outer Moor, containing 8 perches.	12	The Right Hon. the Earl of Devon, Samuel Trehawke Kekewich, George Frederick Truscott, and the Rev. Charles Rodwell Roper.	George Frederick Truscott and the Rev. Charles Rodwell Roper, William Coles. (William Coles, Occupier.)
Part of a field called Inner Moor, containing 6 perches.	13	George Frederick Truscott and the Rev. Charles Rodwell Roper.	Lewis Galsworthy.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owners or reputed Owners.	Lessees and Occupiers or reputed Lessees and Occupiers.
Occupation Road.	19	The Right Hon. the Earl of Devon, Samuel Trehawke Kekewich, George Frederick Truscott, the Rev. Charles Rodwell Roper, Wil- liam Pearce Blake, and Frances Warren.	William Coles, Lewis Galsworthy, Jane Brimage, James Peard Ley, and John Luce (Occupiers).
Part of a field called Little Ham, containing 18 perches.	14	Frances Warren - - -	Jane Brimage, James Peard Ley (Occu- piers).
Part of fields called Stone field and Mid- dle Stone field, con- taining 1 rood and 3 perches.	15 and 16	Henry Boulton Pennell	Henry Boulton Pen- nell (Occupier).
Part of a field called Butter Knoll Meadow, containing 1 rood and 26 perches.	17	Henry Boulton Pennell	Edward Palk, Thomas Gribble, and Henry Lake Hirtzel.
Part of a field called John's Well, contain- ing 26 perches.	18	Jacob Bickford Bartlett and Alexander Fox- croft Ridgway.	Ellis Dunrich.

KINGSTON-UPON-HULL.

Provisional Order altering the Kingston-upon-Hull Improvement Act, 1854, in force within the Borough of Kingston-upon-Hull, incorporating in it Provisions of the Towns Improvements Clauses Act, 1847, respecting Streets, providing for the Recovery of Expenses incurred in the making good of Streets, and extending Provisions for preventing Fraud in the Sale and Delivery of Coal.—Local Government Act, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the Borough (herein-after called the Local Board), and acting in the execution of the Kingston-upon-Hull Improvement Act, 1854 (herein-after called the Improvement Act), have, under the Provisions of the Local Government Act, 1858, presented a Petition to me as one of Her Majesty's Principal Secretaries of State, praying to have conferred on them further powers with respect to the improvement of streets and the recovery of expenses incurred by them for the purpose; and for the alteration and extension of the provisions of the Improvement Act for preventing fraud in the sale and delivery of Coal, so as to comprise coal exported beyond the seas, as well as all other coal sold or delivered within or passing through a district comprising the Borough; and for the repeal and alteration of the Improvement Act so far as shall be necessary for those purposes.

And whereas in pursuance of the Local Government Act, 1858, inquiry has been directed and held within the Borough in respect of the several matters specified in such Petition, and report has been made to me thereon by William Ranger, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to those matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers by the Local Government Act, 1858, vested in me, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order, the Improvement Act shall be amended as follows, and shall be read and have effect accordingly; (that is to say,)

1. The following provisions of the Towns Improvement Clauses Act, 1847, shall be incorporated with the Improvement Act; (that is to say,)

With respect to paving and maintaining the streets, being sections 47 to 56, both inclusive;

With respect to laying out new streets, being sections 57 to 63, both inclusive.

2. For the purposes of these provisions, the expenses incurred by the Local Board with respect to streets, and to be recoverable under section 53 of the Towns Improvement Clauses Act, 1847, so incorporated with the Improvement Act, shall be deemed to be incurred when and so soon as the Local Board have entered into any contract, or given any order for the paving and flagging, or otherwise making good in accordance with that section, of any such street, and shall be recoverable by the Local Board accordingly.

3. Provided always that if the amount of the expenses so incurred be not expressed in the contract or order, the amount thereof shall, for the purposes of the recovery thereof by the Local Board, be estimated by their surveyor for the time being, and the amount so estimated and certified by him in writing under his hand to the Local Board, shall be so recoverable by them, but without prejudice to the recovery by them of any sum by which the amount of the expenses eventually incurred by them exceeds the amount so estimated.

4. Sections 96, 159, 160, 162, 163, 164, 174, 175, and 178 of the Improvement Act shall be repealed.

5. The provisions of sections 151 to 158 (both inclusive), 161, 165 to 173 (both inclusive), 176 and 177 of the Improvement Act, for the purpose of punishing and preventing frauds and impositions with respect to coal, and all other provisions of that Act, applicable in that behalf, and this provision and the following provisions respectively, shall be in force in all places within the district for the time being of the Local Board, and with respect to all coal brought to or sent from or passing through such district.

6. The provisions of sections 151 to 158 (both inclusive), 161, 165 to 173 (both inclusive), 176 and 177 of the Improvement Act, and all other provisions of that Act applicable in that behalf, shall be so in force for the purposes of the following provisions, and shall extend and be read, and have effect accordingly; that is to say,

Where, in these provisions, the owner of any coal, or the master of any vessel carrying coal, or the vendor of or dealer in coal is mentioned, his respective agent shall be included; and the inspector or inspectors of coals from

from time to time appointed under the Improvement Act shall be the inspector or inspectors of all coals which shall be brought for sale to, or sent from, or shall pass through such district of the Local Board, or any part thereof.

7. The owner of any coal brought within such district, or if carried by water the master of the vessel carrying it, shall, before such coal or any part thereof is sold or delivered, or otherwise dealt with within the said district, deliver to the inspector or inspectors as aforesaid, the original pit note denoting the quantity and quality thereof, which was delivered to such owner or master with the coal when it was obtained, and the inspector or inspectors shall register and file the same, and keep it in his or their office, and after the Local Board have by advertisement in the London Gazette, and once in each of six successive weeks in each of four London daily morning papers, and two newspapers published in the County of York, and by placards posted in conspicuous places within such district, and by hand-bills distributed there, giving public notice of this provision, a duplicate of such original pit note shall be sent to the said inspector or inspectors by the clerk or agent of the colliery whence the coal was obtained, by the post next after the delivery of the original pit note to the said owner or master as aforesaid, and the said inspector or inspectors shall thereupon register, file, and keep such duplicate in his or their office. If, however, the pit note do not sufficiently specify the quantity or quality of the coal, or there be not any such pit note delivered with the coal at the colliery or pit whence the coal was obtained, or if the pit note be lost, or if the vessel carrying the coal shall have been originally loaded for any other place and afterwards changed her destination without the proper pit note being accordingly delivered, or if the inspector or inspectors see other good and sufficient cause, then, and in every such case, the owner of the coal, or if carried by water, the master of the vessel carrying it, shall deliver to the inspector or inspectors an account of the quality and quantity of the coal, setting forth when it was obtained, and at what place, and from what colliery, and shall verify the same by solemn statutory declaration in lieu of oath, and such inspector or inspectors shall receive and register, file, and keep in his or their office, every declaration so made.

8. The owner of any coal brought within the said district, or if carried by water, the master of the vessel carrying it, or the vendor of or dealer in the coal shall, before he sells, delivers, or deals with the coal, pay to the inspector or inspectors a tonnage rate at the rate of one half-penny for every ton of the coals.

9. On payment to the inspector or inspectors of the tonnage rate for coal, he or they shall make out, and give to the owner, master, or agent paying it, a certificate in writing, in such form as the Local Board may from time to time think proper and direct, and to be signed by such inspector or inspectors, setting forth the quantity, quality, and date of arrival within the said district of such coal.

10. If the coal be carried by water the certificate of the inspector or inspectors shall be affixed by the master of the vessel carrying it to the mast of the vessel, and be continued so affixed until the cargo be sold or delivered, or if the coal be delivered into any yard or place within the said district for sale, then the certificate shall be placed by the vendor of or dealer in the coal upon a board or pole in front of the heap of coal, and be continued so placed, until such heap be sold or disposed of; and the certificate shall be so affixed or placed immediately after the delivery thereof, or placed and continued in such other

place and in such manner as the inspector or inspectors from time to time shall direct.

11. No sack shall be made use of in the delivery of coal within the said district, unless it be first marked by the inspector or inspectors with such distinctive mark as the Local Board from time to time may direct, and no sack shall be marked which is not at the time of the marking thereof capable of containing 140 lbs. weight of coal, and all sacks taken before the Mayor or other Justice within the said district, and found by him to be deficient in size or not properly marked, shall under his order be destroyed.

12. The ticket of any porter or carrier of coals within the said district may, if and when the Local Board so order, be worn and carried in such conspicuous manner as they may order instead of in front of his hat or cap.

13. Every owner of any cart employed for the carriage or delivery of coals within the said district, shall paint on it on each side in plain figures of not less than three inches in height and proportionate width, such distinctive number as shall be assigned to it by the inspector or inspectors.

14. Every porter or carrier of coal within the said district shall on being registered pay one shilling, and shall yearly thereafter while on the register on the first day of January pay one other shilling, and the owner of every cart employed in carrying coal within the said district shall on the cart being registered pay one shilling, and shall yearly thereafter while the cart is on the register, on the 1st day of January pay one shilling, and those payments shall be made to the inspector or inspectors.

15. The Local Board whenever they see occasion may reduce or raise (but not above the specified sums,) the sums to be from time to time paid under those provisions to the inspector or inspectors as the tonnage rate for coal, and by porters, carriers, and owners of carts.

16. The moneys from time to time paid under these provisions to the inspector or inspectors as the tonnage rate for coal, and by porters, carriers, and owners of carts, shall be accounted for and paid over by such inspector or inspectors, in the month of January in every year, to the treasurer of the Local Board, to the credit of their General District Fund Account.

17. If any owner of coal, or the master of any vessel carrying coal, knowingly commit any of the following offences; that is to say,

First.—Do not within 24 hours after the arrival of the coal within such district, or within such earlier period than 24 hours if he shall earlier deal with any coal within the said district, deliver to the inspector or inspectors the requisite pit note, account, or declaration relating thereto.

Secondly.—Make or deliver a false, feigned, or forged pit note.

Thirdly.—Alter, deface, erase, or mutilate any pit note.

Fourthly.—Do not affix or place, or continue the certificate of the inspector or inspectors, as he or they direct.

Fifthly.—Make or affix or place or continue any false, feigned, or forged certificate.

Sixthly.—Alter, deface, erase, or mutilate any certificate of the inspector or inspectors.

Seventhly.—Make or deliver a false or inaccurate account of the quantity or quality of the coal.

Eighthly.—Bring within the said district coal of one quality or sort for and as coal of a different quality or sort; or

Ninthly.—

Ninthly.—Make or deliver a false declaration of any matter with respect to which he is by the Improvement Act, or these provisions, required to make a declaration.

Every person so offending shall forfeit and pay any sum not exceeding one hundred pounds.

18. If the owner of any cart carry therein within the said district any coal without having the requisite figures painted thereon, every person so offending shall for every such offence forfeit any sum not exceeding twenty shillings.

19. If any person commit any offence against any of the provisions with respect to coal of the Improvement Act, or of these provisions, and for which no penalty is prescribed, he shall forfeit a sum not exceeding ten pounds.

20. All prosecutions and other proceedings under the Improvement Act, or these provisions, with respect to offences connected with coal, shall be instituted by the Local Board or their officers.

21. The Local Board, from time to time, may direct any prosecution or other proceedings to be taken for the recovery of any penalties under and for the punishment of any persons offending against any of these provisions, and may defray the expenses thereof as part of their general expenditure.

22. All penalties under the Improvement Act or these provisions shall be recoverable in accordance with the provisions of the Act of the Session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, with respect to the administration of justice.

Given under my Hand this Third day of July 1862.

(Signed) G. GREY.

RYDE.

Provisional Order for extending the Borrowing Powers of the Ryde Commissioners acting as Local Board within the District of Ryde, in the Isle of Wight.—Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted within the boundaries of the District of the Town of Ryde in the Isle of Wight, by the Commissioners acting under the provisions of the Ryde Improvement Act, 1854:

And whereas the said Commissioners acting as the Local Board for the said District have duly borrowed, under the Provisions of the Ryde Improvement Act, 1854, and of the Ryde Water Act, 1861, sums, amounting in the whole to Forty-three thousand three hundred Pounds (43,300*l.*), to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other works of a permanant nature under the aforesaid Acts; and whereas a further sum of 3,600*l.* will be required to carry out and complete the said works for the supply of Water to Ryde, but such further sum, with the first herein-before mentioned sums will exceed the assessable value for one year of the premises assessable under the said Acts and the Local Government Act, 1858, within such district.

And whereas the said Commissioners acting as such Board have now, under the authority of the 78th Section of the Local Government Act, 1858,

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petitioned

petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for the purpose aforesaid, on mortgage of the rates leviable by the aforesaid Commissioners acting as such Local Board under the powers of the herein-before cited Acts, a sum or sums not exceeding in the whole Three thousand six hundred Pounds (3,600*l.*), which, with the amount already borrowed, will not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

- 1.—The Ryde Improvement Commissioners acting as the Local Board for the District of Ryde, in the Isle of Wight aforesaid, shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a further sum or sums, such further sum or sums not to exceed altogether Three thousand six hundred Pounds (3,600*l.*), which, together with the sums already borrowed by such Commissioners now acting as the Local Board aforesaid, will not exceed in the whole two years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this Twenty-sixth day of June 1862.

(Signed) G. GREY.

BEDFORD.

Provisional Order repealing and altering Parts of Local Acts in force within the District of the Bedford Local Board.—Local Government Act, 1858, Sec. 77.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Bedford, in the County of Bedford, by the Council of the Borough of Bedford, acting as the Local Board, in and for the said Borough, being the District within which portions of the Local Government Act, 1858, of the Public Health Act, 1848, and of the Local Government Act (1858) Amendment Act (1861) have been adopted, have, in pursuance of the Local Government Act, 1858, presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of certain Local Acts of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation,

corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the forty-third year of the reign of King George the Third (Cap. 128.), intituled "An Act for the improvement of the Town of Bedford, in the County of Bedford, and for rebuilding the bridge over the River Ouze, in the said town;" and

A certain other Act, passed in the fiftieth year of the reign of King George the Third (Cap. 82.), intituled "An Act for amending and enlarging the powers of an Act of His present Majesty, intituled 'An Act for the improvement of the Town of Bedford, in the County of Bedford, and for rebuilding the bridge over the River Ouze, in the said town.'"

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

- 1.—The parts of the said herein-before recited Local Acts passed respectively in the forty-third and fiftieth years of the reign of King George the Third [43 Geo. 3. (c. 128), and 50 Geo. 3. (c. 82)], specified in the Schedule hereunto annexed, shall be repealed.
- 2.—All debts and liabilities under the said Local Acts shall be dealt with and may be satisfied as debts and liabilities under the Local Government Act, 1858; and (anything in the said Local Government Act, 1858, notwithstanding,) it shall be lawful for the said Local Board, with such sanction as is required by the said Act for the borrowing of other sums by the said Local Board, to borrow such sums as shall be required to discharge the said debts and liabilities.
- 3.—All expenses under the said Acts shall be borne by the rates leviable in the said District under the said Local Government Act.
- 4.—All halls, gaols, schools, alms-houses (except the alms-houses founded by Christie Skinner, deceased, and except all houses which shall be built upon the site of and shall be used as the said alms-houses) and such other public buildings, within the said Borough as would not but for this Order be rateable to general district rates, shall (notwithstanding anything in the Local Government Act, 1858) be assessed to the general district rate to be levied under the provisions of the said Local Government Act at a rate not exceeding twopence for every square yard of the area of the said halls, gaols, schools, alms-houses, and other public buildings, respectively; and the sums so assessed upon any public building used by or provided by the County of Bedford shall be paid by the treasurer of the said County for the time being; and the sums so assessed upon any school, hospital, alms-houses, or other buildings belonging to the trustees of the Bedford Charity shall be paid by the clerk to the said trustees for the time being; and the sums so assessed upon any building used for the public purposes of the said

Borough shall be paid by the treasurer of the Borough for the time being; and the sums so assessed upon any school, alms-house, or other public building, the payment of which last-mentioned sums is not herein-before provided for, shall be paid by the masters, trustees, or managers thereof respectively or by any occupier thereof respectively; and all sums assessed in pursuance hereof shall be recoverable from the persons by whom the same shall be payable as aforesaid, as if the said several sums were assessed on the same persons respectively: Provided always, that no assessment which shall be made by virtue of the powers herein-before contained shall exceed the amount at which such halls, gaols, schools, alms-houses, and other public buildings respectively were rated and assessed to the last rate or assessment made in pursuance of the said Local Acts, unless at the time when such halls, gaols, schools, alms-houses, and other public buildings respectively shall be rated and assessed by virtue of the powers herein contained the area thereof respectively shall be larger than the area thereof respectively at the time when the said last rate or assessment was made.

- 5.—The said Local Board may, and they are hereby required to repair the bridge built over the River Ouze in pursuance of the Bedford Local Acts (43 Geo. 3. c. 128. and 50 Geo. 3. c. 82.), and the expense of such repairs shall be defrayed out of the said General District Rate, and in case any sudden or extraordinary damage shall happen to the said bridge, or the same shall become so much out of repair as to be impassable or in danger of becoming so, the said Local Board may and they are hereby empowered and required from time to time to repair such damage; and in order to defray the expense of such repairs and all costs and charges incident thereto, the said Local Board may and they are hereby empowered to erect a toll-house and toll-gate, and to demand and receive such tolls as shall be fixed from time to time by the said Local Board with the sanction of One of Her Majesty's Principal Secretaries of State, until the expenses of such repairs and all costs and charges incident thereto shall be paid and satisfied, and which said tolls shall be vested in the said Local Board for the purpose aforesaid.

Given under my Hand this Third day of July 1862.

(Signed) G. GREY.

Schedule to which this Order refers.

The Parts of the Local Act 43 Geo. 3. c. 128. herein-before referred to in this Order to be repealed are as follows; that is to say,—

All the sections of the said Local Act numbered 1 to 10, both inclusive. 15, 16, 17 (except so much of the last-mentioned section as provides that nothing contained in the said Act shall affect the right of the Corporation of Bedford, or of the Duke of Bedford, to rents or tolls of markets and fairs). 21 to 35, both inclusive (except so much of the last-mentioned section as gives the Commissioners named in the said Local Act certain power over a public drain called King's Ditch). 36 to 44, both inclusive. 46 to 66, both inclusive. 70. So much of section 84 as relates to a sum of 900*l.* therein mentioned. 85, and so much of section 86 as relates to borrowing on security of rates. 87 to 91, both inclusive. 110 to 119, both inclusive.

The

The parts of the second herein-before recited Local Act, that is to say, 50 Geo. 3. c. 82., to be repealed are the following:—Sections 1 to 7, both inclusive; and so much of section 13 as removes the liability of the Mayor, Bailiffs, Burgesses and Commonalty of the town and borough of Bedford to repair the present bridge, or any bridge to be hereafter erected and built instead thereof.

CROYDON.

Provisional Order for altering the Provisional Order applying the Public Health Act, 1848, to the District of Croydon, in the County of Surrey.—Local Government Act, 1858.

Whereas by a Provisional Order of the General Board of Health, bearing date the 14th day of July 1849, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1849, the said Public Health Act has been duly applied to the District of Croydon, in the County of Surrey.

And whereas, by such Provisional Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at twelve, the entire number to be elected for the whole of such District.

And whereas the Local Board of Health for the said District of Croydon have, in pursuance of the Local Government Act, 1858, (Sect. 77,) presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Provisional Order in so far as such Order relates to the number of members to constitute the Local Board of Health for such District.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

- 1.—The number of members to constitute the Local Board of Health for the District of Croydon shall be fifteen, anything in the Croydon Provisional Order of the General Board of Health, bearing date the 14th day of July 1849, and so confirmed as aforesaid, to the contrary notwithstanding.
- 2.—Of the said fifteen members, twelve be allotted to and be elected by the Croydon ward of the aforesaid District, the boundaries of which said Croydon ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th Section of the Local Government Act, 1858; and that three of the said fifteen members be allotted to and elected by the Norwood ward of the aforesaid District, the boundaries of which said Norwood ward have been duly fixed and deter-

mined and sanctioned by me under the provisions of the 24th Section of the Local Government Act, 1858, aforesaid, and that the first election for the Norwood ward do take place within one month from the date of the passing of the Act confirming this Order.

- 3.—One-third in number of the twelve members to be so elected for the Croydon ward, and one-third in number of the three members to be so elected for the Norwood ward, shall annually go out of office on the day fixed by the aforesaid Provisional Order, bearing date the 14th day of July 1849.
- 4.—The one-third to retire for and in respect of the Croydon ward shall be as at present arranged by the Local Board of Health aforesaid, and at the usual time the member annually to retire for and in respect of the Norwood ward at Easter 1863 and at Easter 1864 shall be such member among the three elected to represent the Norwood ward as shall have attended the least number of times during the year preceding such retirement; and during subsequent years the third of such members for the said Norwood ward to retire shall go out by rotation.

Given under my Hand this Second day of July 1862.

(Signed) G. GREY.

Local Government Supplemental (No. 2)

A

B I L L

To confirm certain Provisional Orders under the Local Government Act, (1858), relating to the Districts of Basford, Teignmouth, Kingston-upon-Hull, Ryde, Bedford, and Croydon.

(*Prepared and brought in by
Mr. Clive and Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
16 July 1862.*

[Bill 212.]

Under 2 oz.

Lunacy Regulation Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Short Title ; Sect. 1.

Interpretation.

Act to be construed as Part of Lunacy Regulation Act, 1853.
16 & 17 Vict. c. 70. ; 2.

Nature and Limit of Inquiry under Commissions of Lunacy ; 3.

Inquiries before a Jury to be made by means of an Issue to One of
the Superior Courts of Common Law ; 4.

Reference in other Acts to Inquisition to apply to Verdict on Issue ; 5.

Examination of alleged Lunatic on the holding of the Inquisition ; 6.

Shorthand Writer to be appointed ; 7.

No Traverse of an Inquisition made by One of the Judges of the
Superior Courts and by a Jury to be granted, but new Trial may be
ordered by the Lord Chancellor ; 8.

As to Property of insane Persons when of small Amount.

Power to Lord Chancellor, where Lunatic does not oppose Application,
and his Property does not exceed 1,000*l.* in Value, or 50*l.* per
Annum, to apply it for his Benefit in a summary Manner, without
Inquisition ; 9.

Power to sell Land or other Property of Lunatic for his Benefit ; 10.

Power to make General Orders, to carry into effect the Objects of
the last preceding Section ; 11.

Power to apply Property of Persons acquitted on the Ground of
Insanity for their Benefit ; 12.

Charging Orders.

Extending Powers of charging Lunatic's Property for his Maintenance,
Debts, and Costs ; 13.

[Bill 76.]

a

General.

General.

All Deeds, Transfers, Payments, &c. made in pursuance of Act to be valid and binding. Indemnity to the Bank of England, &c.; 14.

Masters may summon Witnesses; 15.

Visiting.

Duties of Visitors; 16.

All Lunatics to be visited Four Times a Year; 17.

Visitors also to visit alleged Lunatics; 18.

Sections 104 and 105 of 16 & 17 Vict. c. 70. repealed; 19.

Officers in Lunacy.

Power to the Lord Chancellor to allow Pensions to present Visitors, if desirous of retiring; 20.

Visitors to hold Office during good Behaviour, and not to practise in their Professions. Increase of their Salaries; 21.

Clerks to the Visitors; 22.

Superannuation Allowances to Officers in Lunacy; 23.

Payment of Pensions and Salaries; 24.

Registrar to hold Office during good Behaviour; 25.

Orders.

Office Copies of Orders to be acted upon by Accountant General and others; 26.

7 April 1862. 25 VICT.



A

B I L L

INTITULED

An Act to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.

[Note.—*The Clauses and Words printed in Red Ink are proposed to be inserted in Committee.*]

- W**HEREAS it is expedient to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Persons found lunatic by Inquisition, and to make the other Provisions herein-after contained with respect to certain Officers in Lunacy, and otherwise : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :
1. This Act may be cited as "The Lunacy Regulation Act, 1862."
2. In this Act, unless there be something in the Subject Matter or Context repugnant to the Construction, the following Terms shall have the Meanings herein-after assigned to them :
- The Expression "the Lord Chancellor intrusted as aforesaid" and the several other Expressions and Words mentioned and referred to in [Bill 76.]
- the
- Interpre-
tation.
Act to be
construed as
Part of
Lunacy
- Preamble.
- Short Title.

Regulation
Act, 1853.
16 & 17 Vict.
c. 70.

the Second Section of the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Seventy, intituled "An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition and their Estates," shall be read and construed according to the Interpretations thereof contained in the said Section :

And generally the Provisions of the said Act (except so far as the same are altered by or are inconsistent with this Act) shall extend and apply to the several Cases and Matters provided for by this Act, in the same Way as if this Act had been incorporated with and had formed Part of the said Act.

With respect to Commissions of Lunacy, be it enacted as follows :

Nature and
Limit of In-
quiry under
Commissions
of Lunacy.

3. The Inquiry to be made under every Order for Inquiry or Commission of Lunacy shall be confined to the Question whether or not the Person who is the Subject of the Inquiry is at the Time of such Inquiry of unsound Mind, and incapable of managing himself or his Affairs; and no Evidence as to anything done or said by such Person, or as to his Demeanour or State of Mind at any Time being more than Two Years before the Time of the Inquiry, shall be receivable in Proof of Insanity unless the Judge or Master shall otherwise direct, nor shall the Opinion of any Medical Practitioner be admissible as Evidence of the Insanity of such Person.

Inquiries
before a
Jury to be
made by
means of an
Issue to One
of the Super-
ior Courts
of Common
Law.

4. Wherever, under the Lunacy Regulation Act, 1853, the Lord Chancellor intrusted as aforesaid shall order an Inquiry before a Jury, he may by his Order direct an Issue to be tried in One of Her Majesty's Superior Courts of Common Law at Westminster, and the Question in such Issue shall be, whether the alleged insane Person is of unsound Mind and incapable of managing himself or his Affairs ; and the Provisions of the said Act with respect to Commissions of Lunacy, and Orders for Inquiry to be tried by a Jury, and the Trial thereof, and the Constitution of the Jury, shall apply to any Issue to be directed as aforesaid, and the Trial thereof, and subject thereto such Issue and the Trial thereof shall be regulated by the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and nine, intituled "An Act to amend the Law concerning Games and Wagers," and the Verdict upon any such Issue, finding the alleged insane Person to be of unsound Mind and incapable of managing himself or his Affairs, shall have the same Force to all Intents and Purposes as an Inquisition under a Commission of Lunacy, finding a Person to be of unsound Mind and incapable

incapable of managing himself or his Affairs, returned into the Court of Chancery.

5 5. Where in any Act of Parliament, Order, Rule of Court, or Instrument Reference is made to a Commission of Lunacy, or the Inquisition thereon, the Issue hereby authorized to be directed, and the Verdict thereon, operating as an Inquisition, shall be deemed to be intended by or comprehended in the Reference.

Reference in other Acts to Inquisition to apply to Verdict on Issue.

10 6. On the Trial of every such Issue as last aforesaid the alleged insane Person shall, if he is within the Jurisdiction, be examined before the taking of the Evidence is commenced, and at the Close of the Proceedings, before the Jury consult as to their Verdict, unless the presiding Judge shall otherwise direct; and such Examinations of the alleged insane Person shall take place either in open Court or in private as such Judge shall direct.

Examination of alleged Lunatic on the holding of the Inquisition.

15 7. For the Purpose of saving Time and Expense a Shorthand Writer to be appointed by the Lord Chancellor intrusted as aforesaid may be employed, at the Expense of the Person having the Carriage of the Order, for the Purpose of taking down the Evidence and making a Transcript of the Notes thereof, which Transcript shall afterwards be verified by such Shorthand Writer by Affidavit, and be received as Evidence of the Testimony given on the Trial of the Issue.

Shorthand Writer to be appointed.

25 8. No Person shall be entitled to a Traverse of any Inquisition made under any such Order as aforesaid upon the Oath of a Jury; but it shall be lawful for the Lord Chancellor intrusted as aforesaid, if he shall think fit, upon a Petition being presented to him within Three Months next after the Trial of any such Issue, to order that a new Trial shall be had of such Issue or a new Inquiry made as to the Insanity of such Person, subject to such Directions and upon such Conditions as to the Lord Chancellor intrusted as aforesaid may seem proper.

No Traverse of an Inquisition made by One of the Judges of the Superior Courts and by a Jury to be granted, but new Trial may be ordered by the Lord Chancellor.

Sections One hundred and forty-eight, One hundred and forty-nine, and One hundred and fifty of the said Act (which Sections relate to Petitions and Orders for the Traverse of Inquisitions) shall not apply to any Case coming within the last preceding Section of this Act.

Section One hundred and fifty-one of the said Act shall apply to all Proceedings taken, Orders made, and Things done, pending a new Trial or new Inquiry or the Petition for the same, in the same

Manner as is provided by the said Section with respect to such Matters pending a Traverse or the Petition for the same.

*As to
Property of
insane Per-
sons when
of small
Amount.*

Power to
Lord Chan-
cellor, where
Lunatic does
not oppose
Application,
and his Pro-
perty does
not exceed
1,000*l.* in
Value, or
50*l.* per
Annum, to
apply it for
his Benefit
in a sum-
mary Man-
ner, without
Inquisition.

In order that the Property of insane Persons when the same is of small Amount may be applied for their Benefit in a summary and inexpensive Manner, be it enacted as follows :

5

9. Where, by the Report of One of the Masters in Lunacy or of the Commissioners in Lunacy, or by Affidavit or otherwise, it is established to the Satisfaction of the Lord Chancellor intrusted as aforesaid that any Person is of unsound Mind and incapable of managing his Affairs, and that his Property does not exceed One 10 thousand Pounds in Value, or that the Income thereof does not exceed Fifty Pounds per Annum, the Lord Chancellor intrusted as aforesaid may, without directing any Inquiry under a Commission of Lunacy, make such Order as he may consider expedient for the Purpose of rendering the Property of such Person, or the Income thereof, 15 available for his Maintenance or Benefit or for carrying on his Trade or Business: Provided nevertheless, that the alleged insane Person shall have such personal Notice of the Application for such Order as aforesaid as the Lord Chancellor shall by General Order to be made as after mentioned direct. 20

Power to
sell Land or
other Pro-
perty of Lu-
natic for his
Benefit.

10. For the Purpose of giving effect to any such Order as is mentioned in the last preceding Section the Lord Chancellor intrusted as aforesaid may order any Land, Stock, or other Property of such Person as aforesaid to be sold, charged by way of Mortgage, or otherwise disposed of, and a Conveyance, Transfer, Charge, or other Disposition 25 thereof to be executed or made by any Person on his Behalf; and may order the Proceeds of any such Sale, Charge, or other Disposition, or the Dividends or Income of such Land, Stock, or Property, to be paid to any Relative of such insane Person, or to such other Person as it may be considered proper to trust with the Application thereof, to be 30 by him applied in the Maintenance or for the Benefit of the insane Person, or of him and his Family, either at the Discretion of such Relative or Person, or in such Manner, and subject to such Control, and with or without such Security for the Application thereof, as the Lord Chancellor intrusted as aforesaid may direct; and for the Pur- 35 pose above mentioned, the Lord Chancellor intrusted as aforesaid shall have all the same Powers with respect to the Transfer, Sale, and Disposition of, and otherwise respecting, the Real and Personal Property of such Person as aforesaid as if he had been found lunatic by Inquisition.

Power to
make Gene-
ral Orders,
to carry into

11. The Lord Chancellor may from Time to Time make such 40 General Orders as he may think fit for regulating the Procedure to be adopted and the Duties to be performed by the Masters and Officers

Officers in Lunacy for obtaining such Reports as aforesaid, and for carrying the Objects of the Two last preceding Sections into effect, and for vesting in such Masters and Officers such Powers as the Lord Chancellor may consider expedient for the Purposes aforesaid.

effect the
Objects of
the last
preceding
Section.

5 12. Where any Person has, on the Trial of any Indictment, been acquitted on the Ground of Insanity, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, on being satisfied by Affidavit or otherwise of the continued Insanity of such Person, and of his being still in Confinement, to make any such Order with respect to the
10 Property of such Person, and the Application thereof for his Maintenance or Benefit, or that of his Family, or for carrying on his Trade or Business, as is mentioned in the Eighth, Ninth, and Tenth Sections of this Act, and any such Order may be made notwithstanding the same is objected to by the alleged Lunatic.

Power to
apply Pro-
perty of
Persons ac-
quitted on
the Ground
of Insanity
for their
Benefit.

15 And for the Purpose of extending the Powers over the Property of Lunatics given by Section One hundred and sixteen of the said Act, be it enacted as follows :

*Charging
Orders.*

13. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's Benefit, he may by Order direct any Estate
20 or Interest of the Lunatic in Land or Stock, either in possession, reversion, remainder, contingency, or expectancy, and either existing or which may exist at any future Time, to stand and be charged with any Monies advanced or to be advanced, or due or to become due, to any Person for or in respect of any of the Purposes or
25 Matters mentioned in the said Section, and either with or without Interest on such Monies; and he may also by Order direct any such Estate and Interest to be dealt with and disposed of in such Manner as he shall consider expedient for any of the Purposes aforesaid, or for securing any Monies advanced or to be advanced for such Pur-
30 poses or any of them, and with or without Interest for the same; and every Charge and Disposition directed or made by or in pursuance of any such Order shall be valid and effectual to all Intents and Purposes, and shall take effect accordingly, subject only to any prior Charge to which the Estate or Interest affected thereby may at the
35 Date of such Order be subject.

Extending
Powers of
charging
Lunatic's
Property for
his Mainte-
nance, Debts,
and Costs.

14. Every Conveyance, Transfer, Charge, or other Disposition made or executed by virtue of this Act, and every Payment made in pursuance of this Act, shall be valid to all Intents, and binding upon all Persons whomsoever; and this Act shall be a full Indemnity and
40 Discharge to the Governor and Company of the Bank of England, their Officers and Servants, and all other Persons respectively, for all Acts and Things done or permitted to be done in pursuance thereof,

General.

All Deeds,
Transfers,
Payments,
&c. made in
pursuance of
Act to be
valid and
binding.
Indemnity to
the Bank of
England, &c.

or of any Order of the Lord Chancellor intrusted as aforesaid, made or purporting to be made under this Act; and such Acts and Things respectively shall not be questioned or impeached in any Court of Law or Equity to their Detriment.

Masters may
summon
Witnesses.

15. To give further and better Effect to the Fifty-fifth, Fifty-sixth, and Sixtieth Sections of the said Act, respecting the Attendance of Witnesses before the said Masters, the Masters may in the Matter of any Lunatic or alleged Lunatic compel by Summons the Attendance of any Person to give Evidence before them, whether such Person has or has not previously given Evidence by Affidavit; and every Person so summoned shall be bound to attend as required by the Summons, and give Evidence before the said Masters, in like Manner as is provided by the Sixtieth Section of the said Act in the Case of Persons who have given Evidence by Affidavit.

Visiting.

And with respect to the visiting of Lunatics, be it enacted as follows:

Duties of
Visitors.

16. It shall be the Duty of the Visitors to visit Persons of unsound Mind within the Meaning of this Act at such Times and in such Rotation and Manner, and to make such Inquiries and Investigations as to their Care and Treatment and mental and bodily Health, and the Arrangements for their Maintenance and Comfort, and otherwise respecting them, as the Lord Chancellor shall by General Orders, or as the Lord Chancellor intrusted as aforesaid shall by Special Order in any particular Case from Time to Time direct.

All Lunatics
to be visited
Four Times
a Year.

17. Provided always, That every Lunatic shall be personally visited and seen by One of the said Visitors Four Times at least in every Year, and such Visits shall be so regulated as that the Interval between successive Visits to any such Lunatic shall in no Case exceed Six Months: Provided always, that Lunatics found by Inquiry who are resident in licensed Houses, Asylums, or registered Hospitals shall not necessarily be visited by any of the said Visitors more than once in the Year, unless the Lord Chancellor intrusted as aforesaid shall otherwise direct.

Visitors also
to visit
alleged
Lunatics.

18. The Visitors shall also visit such Persons alleged to be insane, and shall make such Inquiries and Reports in reference to them as the Lord Chancellor intrusted as aforesaid may direct.

Sections 104
and 105 of
16 & 17 Vict.
c. 70. re-
pealed.

19. Sections One hundred and four and One hundred and five of the said Act (which Sections relate to the visiting of Lunatics) are hereby repealed.

The

The Lord Chancellor may, if he shall so think fit, on a Petition presented to him for that Purpose, order Annuities, not exceeding One Half of their respective Salaries, to be paid to the present Medical Visitors or either of them, in case they or either of them shall be desirous of retiring from the Offices held by them, they having already attained the respective Ages of Seventy-eight and Eighty-one Years, and having served as such Medical Visitors for Twenty-eight and Twenty Years respectively.

Officers in Lunacy.

Power to the Lord Chancellor to allow Pensions to present Visitors, if desirous of retiring.

20. The Medical Visitors to be hereafter appointed and the Legal Visitor shall hold their Offices during their good Behaviour, but may be removed therefrom by the Lord Chancellor in case of Misconduct or Neglect in the Discharge of their Duties, or of their being disabled from performing the same ; and they shall receive Salaries of Pounds each, and shall not be in any Way engaged in the Practice of their respective Professions.

Visitors to hold Office during good Behaviour, and not to practise in their Professions.

Increase of their Salaries.

21. Such Clerks to the Visitors may from Time to Time be appointed, and at such Salaries, as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct : So much of Section Twenty-three of the said Act as refers to the Clerk of the Secretary to the said Visitors is hereby repealed.

Clerks to the Visitors.

The Lord Chancellor may, if he shall so think fit, order to be paid to any Officer or Person who has served for Twenty Years in any Office or Offices in Lunacy, or who is disabled by permanent Infirmary from the Performance of his Duties, such Superannuation Allowance, not exceeding Two Thirds of the Salary payable to such Officer or Person at the Time of his Resignation, as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, may approve.

Superannuation Allowances to Officers in Lunacy.

30 All Annuities and Salaries ordered to be paid in pursuance of this Act shall be payable out of "The Sutors Fee Fund Account," mentioned in the said Act, and at the Times and in the Manner directed by the Twenty-fifth Section of the said Act.

Payment of Pensions and Salaries.

22. The Registrar in Lunacy shall hold his Office during good Behaviour, and may be removed therefrom by the Lord Chancellor in case of Misconduct or Neglect in the Discharge of his Duties or his being disabled from performing the same.

Registrar to hold Office during good Behaviour.

Orders.

Office Copies
of Orders to
be acted
upon by
Accountant
General and
others.

And with respect to Orders in Lunacy, be it enacted as follows :

23. The Accountant General and all other Persons, and the Governor and Company of the Bank of England, shall act upon all Office Copies of Orders in Lunacy purporting to be signed by the Registrar in Lunacy, and sealed with the Seal of his Office, in the same Manner as such Persons are by Section One hundred and one of the said Act required to act upon Office Copies of Reports confirmed by Fiat.

A

B I L L

INTITLED

An Act to amend the Law relating to Commissions of Lunacy, and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.

(Brought from the Lords 31 March 1862.)

*Ordered, by The House of Commons, to be Printed,
7 April 1862.*

[Bill 76.]

Under 2 oz.

14 July 1862. 25 & 26 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.

WHEREAS it is expedient to amend the Law relating to Preamble.
Commissions of Lunacy and the Proceedings under the
same, and to provide more effectually for the visiting of
Persons found lunatic by Inquisition, and to make the other Provi-
sions herein-after contained with respect to certain Officers in Lunacy,
and otherwise : Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows :

10 1. This Act may be cited as "The Lunacy Regulation Act, Short Title.
1862."

2. In this Act, unless there be something in the Subject Matter or
Context repugnant to the Construction, the following Terms shall
have the Meanings herein-after assigned to them :

15 The Expression "the Lord Chancellor intrusted as aforesaid" and
the several other Expressions and Words mentioned and referred to in
[Bill 208.] A the

*Interpre-
tation.*

Act to be
construed as
Part of
Lunacy

Regulation
Act, 1853.
16 & 17 Vict.
c. 70.

the Second Section of the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Seventy, intituled "An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition and their Estates," shall be read and construed according to the Interpretations thereof contained in the said Section :

And generally the Provisions of the said Act (except so far as the same are altered by or are inconsistent with this Act) shall extend and apply to the several Cases and Matters provided for by this Act, in the same Way as if this Act had been incorporated with and had formed Part of the said Act.

With respect to Commissions of Lunacy, be it enacted as follows :

Nature and
Limit of In-
quiry under
Commissions
of Lunacy.

3. The Inquiry to be made under every Order for Inquiry or Commission of Lunacy shall be confined to the Question whether or not the Person who is the Subject of the Inquiry is at the Time of such Inquiry of unsound Mind, and incapable of managing himself or his Affairs, and no Evidence as to anything done or said by such Person, or as to his Demeanour or State of Mind at any Time being more than Two Years before the Time of the Inquiry, shall be receivable in Proof of Insanity unless the Judge or Master shall otherwise direct.

Inquiries
before a
Jury to be
made by
means of an
Issue to One
of the Super-
ior Courts
of Common
Law.

4. Wherever, under the said Act, the Lord Chancellor intrusted as aforesaid shall order an Inquiry before a Jury, he may by his Order direct an Issue to be tried in One of Her Majesty's Superior Courts of Common Law at Westminster, and the Question in such Issue shall be, whether the alleged insane Person is of unsound Mind and incapable of managing himself or his Affairs ; and the Provisions of the said Act with respect to Commissions of Lunacy, and Orders for Inquiry to be tried by a Jury, and the Trial thereof, and the Constitution of the Jury, shall apply to any Issue to be directed as aforesaid, and the Trial thereof, and subject thereto such Issue and the Trial thereof shall be regulated by the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and nine, intituled "An Act to amend the Law concerning Games and Wagers," and the Verdict upon any such Issue, finding the alleged insane Person to be of unsound Mind and incapable of managing himself or his Affairs, shall have the same Force to all Intents and Purposes as an Inquisition under a Commission of Lunacy, finding a Person to be of unsound Mind and incapable

incapable of managing himself or his Affairs, returned into the Court of Chancery.

5 **5.** Where in any Act of Parliament, Order, Rule of Court, or Instrument Reference is made to a Commission of Lunacy, or the Inquisition thereon, the Issue hereby authorized to be directed, and the Verdict thereon, operating as an Inquisition, shall be deemed to be intended by or comprehended in the Reference.

Reference in other Acts to Inquisition to apply to Verdict on Issue.

10 **6.** On the Trial of every such Issue as last aforesaid the alleged insane Person shall, if he is within the Jurisdiction, be examined before the taking of the Evidence is commenced, and at the Close of the Proceedings, before the Jury consult as to their Verdict, unless the presiding Judge shall otherwise direct; and such Examinations of the alleged insane Person shall take place either in open Court or in private as such Judge shall direct.

Examination of alleged Lunatic on the holding of the Inquisition.

15 **7.** No Person shall be entitled to a Traverse of any Inquisition made under any such Order as aforesaid upon the Oath of a Jury; but it shall be lawful for the Lord Chancellor intrusted as aforesaid, if he shall think fit, upon a Petition being presented to him within Three Months next after the Trial of any such Issue, to order that
20 a new Trial shall be had of such Issue or a new Inquiry made as to the Insanity of such Person, subject to such Directions and upon such Conditions as to the Lord Chancellor intrusted as aforesaid may seem proper.

No Traverse of an Inquisition made by One of the Judges of the Superior Courts and by a Jury to be granted, but new Trial may be ordered by the Lord Chancellor.

25 Sections One hundred and forty-eight, One hundred and forty-nine, and One hundred and fifty of the said Act (which Sections relate to Petitions and Orders for the Traverse of Inquisitions) shall not apply to any Case coming within the last preceding Section of this Act.

30 Section One hundred and fifty-one of the said Act shall apply to all Proceedings taken, Orders made, and Things done, pending a new Trial or new Inquiry or the Petition for the same, in the same Manner as is provided by the said Section with respect to such Matters pending a Traverse or the Petition for the same.

35 **8.** And with reference to Inquiries before the Master without a Jury, and the Right of the alleged Lunatic to demand an Inquiry by a Jury, be it enacted, upon the hearing of any Petition for Inquiry, it shall be lawful for the alleged Lunatic, by himself, his Counsel or Solicitor, orally, or by Petition addressed to the Lord Chancellor intrusted as aforesaid, to demand an Inquiry by a Jury, and such

CLAUSE A.
Demand of Inquiry by Jury.

Demand shall have the same Effect as if made by Notice filed with the Registrar in accordance with the Provisions of the said Act of the Sixteenth and Seventeenth Years of Victoria, Chapter Seventy, Section Forty.

CLAUSE B.
Demand of
Inquiry by
Jury may be
withdrawn.

9. Upon such Hearing the alleged Lunatic may, by himself, his 5
Counsel or Solicitor, orally, or by Petition as aforesaid, withdraw any
Notice of demanding an Inquiry by a Jury previously filed by him.

As to
Property of
insane Per-
sons when
of small
Amount.

In order that the Property of insane Persons when the same is of small Amount may be applied for their Benefit in a summary and inexpensive Manner, be it enacted as follows :

10

Power to
Lord Chan-
cellor, where
Lunatic does
not oppose
Application,
and his Pro-
perty does
not exceed
1,000*l.* in
Value, or
50*l.* per
Annum, to
apply it for
his Benefit
in a sum-
mary Man-
ner, without
Inquisition.

10. Where, by the Report of One of the Masters in Lunacy or of the Commissioners in Lunacy, or by Affidavit or otherwise, it is established to the Satisfaction of the Lord Chancellor intrusted as aforesaid that any Person is of unsound Mind and incapable of managing his Affairs, and that his Property does not exceed One 15
thousand Pounds in Value, or that the Income thereof does not exceed
Fifty Pounds per Annum, the Lord Chancellor intrusted as aforesaid
may, without directing any Inquiry under a Commission of Lunacy,
make such Order as he may consider expedient for the Purpose of
rendering the Property of such Person, or the Income thereof, 20
available for his Maintenance or Benefit or for carrying on his Trade
or Business: Provided nevertheless, that the alleged insane Person
shall have such personal Notice of the Application for such Order
as aforesaid as the Lord Chancellor shall by General Order to be
made as after mentioned direct. 25

Power to
sell Land or
other Pro-
perty of Lu-
natic for his
Benefit.

11. For the Purpose of giving effect to any such Order as is men-
tioned in the last preceding Section the Lord Chancellor intrusted as
aforesaid may order any Land, Stock, or other Property of such Per-
son as aforesaid to be sold, charged by way of Mortgage, or otherwise
disposed of, and a Conveyance, Transfer, Charge, or other Disposition 30
thereof to be executed or made by any Person on his Behalf; and may
order the Proceeds of any such Sale, Charge, or other Disposition, or
the Dividends or Income of such Land, Stock, or Property, to be paid
to any Relative of such insane Person, or to such other Person as it
may be considered proper to trust with the Application thereof, to be 35
by him applied in the Maintenance or for the Benefit of the insane
Person, or of him and his Family, either at the Discretion of such
Relative or Person, or in such Manner, and subject to such Control,
and with or without such Security for the Application thereof, as the
Lord Chancellor intrusted as aforesaid may direct; and for the Pur- 40
pose above mentioned, the Lord Chancellor intrusted as aforesaid shall
have all the same Powers with respect to the Transfer, Sale, and Dis-
position

position of, and otherwise respecting, the Real and Personal Property of such Person as aforesaid as if he had been found lunatic by Inquisition.

12. The Lord Chancellor may from Time to Time make such General Orders as he may think fit for regulating the Procedure to be adopted and the Duties to be performed by the Masters and Officers in Lunacy for obtaining such Reports as aforesaid, and for carrying the Objects of the Two last preceding Sections into effect, and for vesting in such Masters and Officers such Powers as the Lord Chancellor may consider expedient for the Purposes aforesaid.

Power to make General Orders, to carry into effect the Objects of the last preceding Section.

13. Where any Person has, on the Trial of any Indictment, been acquitted on the Ground of Insanity, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, on being satisfied by Affidavit or otherwise of the continued Insanity of such Person, and of his being still in Confinement, to make any such Order with respect to the Property of such Person, and the Application thereof for his Maintenance or Benefit, or that of his Family, or for carrying on his Trade or Business, as is mentioned in the Eighth, Ninth, and Tenth Sections of this Act.

Power to apply Property of Persons acquitted on the Ground of Insanity for their Benefit.

And for the Purpose of extending the Powers over the Property of Lunatics given by Section One hundred and sixteen of the said Act, be it enacted as follows:

Charging Orders.

14. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's Benefit, he may by Order direct any Estate or Interest of the Lunatic in Land or Stock, either in possession, reversion, remainder, contingency, or expectancy, and either existing or which may exist at any future Time, to stand and be charged with any Monies advanced or to be advanced, or due or to become due, to any Person for or in respect of any of the Purposes or Matters mentioned in the said Section, and either with or without Interest on such Monies; and he may also by Order direct any such Estate and Interest to be dealt with and disposed of in such Manner as he shall consider expedient for any of the Purposes aforesaid, or for securing any Monies advanced or to be advanced for such Purposes or any of them, and with or without Interest for the same; and every Charge and Disposition directed or made by or in pursuance of any such Order shall be valid and effectual to all Intents and Purposes, and shall take effect accordingly, subject only to any prior Charge to which the Estate or Interest affected thereby may at the Date of such Order be subject.

Extending Powers of charging Lunatic's Property for his Maintenance, Debts, and Costs.

15. Every Conveyance, Transfer, Charge, or other Disposition made or executed by virtue of this Act, and every Payment made in [208.] A 3 pursuance

General.

All Deeds, Transfers, Payments,

&c. made in
pursuance of
Act to be
valid and
binding.

Indemnity to
the Bank of
England, &c.

pursuance of this Act, shall be valid to all Intents, and binding upon all Persons whomsoever; and this Act shall be a full Indemnity and Discharge to the Governor and Company of the Bank of England, their Officers and Servants, and all other Persons respectively, for all Acts and Things done or permitted to be done in pursuance thereof, 5 or of any Order of the Lord Chancellor intrusted as aforesaid, made or purporting to be made under this Act; and such Acts and Things respectively shall not be questioned or impeached in any Court of Law or Equity to their Detriment.

Masters may
summon
Witnesses.

16. To give further and better Effect to the Fifty-fifth, Fifty- 10 sixth, and Sixtieth Sections of the said Act, respecting the Attendance of Witnesses before the said Masters, the Masters may in the Matter of any Lunatic or alleged Lunatic compel by Summons the Attendance of any Person to give Evidence before them, whether such Person has or has not previously given Evidence by Affidavit; 15 and every Person so summoned shall be bound to attend as required by the Summons, and give Evidence before the said Masters, in like Manner as is provided by the Sixtieth Section of the said Act in the Case of Persons who have given Evidence by Affidavit.

Visiting.

And with respect to the visiting of Lunatics, be it enacted as 20 follows:

Duties of
Visitors.

17. It shall be the Duty of the Visitors to visit Persons of unsound Mind within the Meaning of this Act at such Times and in such Rotation and Manner, and to make such Inquiries and Investigations as to their Care and Treatment and mental and bodily Health, and 25 the Arrangements for their Maintenance and Comfort, and otherwise respecting them, as the Lord Chancellor shall by General Orders, or as the Lord Chancellor intrusted as aforesaid shall by Special Order in any particular Case from Time to Time direct.

All Lunatics
to be visited
Four Times
a Year.

18. Provided always, That from and after the First of October 30 next every Lunatic shall be personally visited and seen by One of the said Visitors Four Times at least in every Year, and such Visits shall be so regulated as that the Interval between successive Visits to any such Lunatic shall in no Case exceed Four Months: Provided always, that Lunatics who are resident in licensed Houses, Asylums, 35 or registered Hospitals shall not necessarily be visited by any of the said Visitors more than once in the Year, unless the Lord Chancellor intrusted as aforesaid shall otherwise direct.

Visitors also
to visit
alleged
Lunatics.

19. The Visitors shall also visit such Persons alleged to be insane, and shall make such Inquiries and Reports in reference to them as 40 the Lord Chancellor intrusted as aforesaid may direct.

20. Sections

20. Sections One hundred and four and One hundred and five of the said Act (which Sections relate to the visiting of Lunatics) are hereby repealed.

Sections 104 and 105 of 16 & 17 Vict. c. 70. repealed.

21. The Lord Chancellor may, if he shall so think fit, on a Petition presented to him for that Purpose, order Annuities, not exceeding One Half of their respective Salaries, to be paid to the present Medical Visitors or either of them, in case they or either of them shall be desirous of retiring from the Offices held by them, they having already attained the respective Ages of Seventy-eight and Eighty-one Years, and having served as such Medical Visitors for Twenty-eight and Twenty Years respectively.

Officers in Lunacy.

CLAUSE C.
Power to the Lord Chancellor to allow Pensions to present Visitors, if desirous of retiring.

22. The Medical Visitors to be hereafter appointed and the Legal Visitor shall hold their Offices during their good Behaviour, but may be removed therefrom by the Lord Chancellor in case of Misconduct or Neglect in the Discharge of their Duties, or of their being disabled from performing the same; and they shall receive Salaries of Fifteen hundred Pounds each, and shall not be in any way engaged in the Practice of their respective Professions.

Visitors to hold Office during good Behaviour, and not to practise in their Professions.
Increase of their Salaries.

23. Such Clerks to the Visitors may from Time to Time be appointed by the Lord Chancellor, and at such Salaries as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct: So much of Section Twenty-three of the said Act as refers to the Clerk of the Secretary to the said Visitors is hereby repealed.

Clerks to the Visitors.

24. The Lord Chancellor may, if he shall so think fit, order to be paid to any Officer who has served for Twenty Years in any Office or Offices in Lunacy, and who shall be above Sixty Years of Age, and shall be desirous of retiring, or who is disabled by permanent Infirmary from the Performance of his Duties, such Superannuation Allowance, not exceeding Two Thirds of the Salary payable to such Officer or Person at the Time of his Resignation, as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, may approve.

CLAUSE D.
Superannuation Allowances to Officers in Lunacy.

25. All Annuities and Salaries ordered to be paid in pursuance of this Act shall be payable out of "The Suitors Fee Fund Account," mentioned in the said Act, and at the Times and in the Manner directed by the Twenty-fifth Section of the said Act.

CLAUSE E.
Payment of Pensions and Salaries.

Registrar to
hold Office
during good
Behaviour.

26. The Registrar in Lunacy shall hold his Office during good Behaviour, and may be removed therefrom by the Lord Chancellor in case of Misconduct or Neglect in the Discharge of his Duties or his being disabled from performing the same.

Orders.

Office Copies
of Orders to
be acted
upon by
Accountant
General and
others.

And with respect to Orders in Lunacy, be it enacted as follows: 5

27. The Accountant General and all other Persons, and the Governor and Company of the Bank of England, shall act upon all Office Copies of Orders in Lunacy purporting to be signed by the Registrar in Lunacy, and sealed with the Seal of his Office, in the same Manner as such Persons are by Section One hundred and one 10 of the said Act required to act upon Office Copies of Reports confirmed by Fiat.

Lunacy Regulation.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the Law relating to Commissions of Lunacy, and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.

(*Brought from the Lords 31 March 1862.*)

*Ordered, by The House of Commons, to be Printed,
14 July 1862.*

[Bill 208.]

Under 1 oz.

533
11 April 1862. 25 VICT.



A

B I L L

TO

Make further Provision respecting Lunacy in
Scotland.

WHEREAS an Act was passed in the Twentieth and
Twenty-first Year of the Reign of Her present Majesty,
intituled "An Act for the Regulation of the Care and ^{20 & 21 Vict.}
Treatment of Lunatics, and for the Provision, Maintenance, and ^{c. 71.}
5 " Regulation of Lunatic Asylums in Scotland;" and another Act was
passed in the Twenty-first and Twenty-second Year of the Reign of
Her present Majesty, intituled "An Act to amend an Act of the ^{21 & 22 Vict.}
last Session, for the Regulation of the Care and Treatment of ^{c. 89.}
" Lunatics, and for the Provision, Maintenance, and Regulation
10 " of Lunatic Asylums in Scotland:" And whereas it is expedient
that the General Board of Commissioners in Lunacy constituted by
the first-recited Act should be abolished, and that a new Board should
be constituted, and that the said Acts should be amended: Be it
enacted by the Queen's most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

[Bill 93.]

A

1. The

Interpreta-
tion.

1. The following Words and Expressions when used in the recited Acts and this Act shall have the Meanings hereby assigned to them:

- "Board" shall mean the General Board of Commissioners in Lunacy for Scotland constituted by this Act: 5
- "Secretary" shall mean the Secretary of the Board for the Time being:
- "Lunatic Wards of a Poorhouse" shall mean those Wards or Parts of a Poorhouse sanctioned by the Board for the Reception and the Detention of Pauper Lunatics: 10
- "Asylum" shall mean a Public Asylum:
- "Medical Person" shall mean any Person registered as a Practitioner in Medicine or Surgery, pursuant to the Act Twenty-first and Twenty-second Victoria, Chapter Ninety:
- "Lunatic" shall mean and include every Person certified by Two 15 Medical Persons to be a Lunatic, an insane Person, an Idiot, or a Person of unsound Mind:
- "Pauper Lunatic" shall mean and include any Lunatic towards the Expense of whose Maintenance any Allowance is given or made by any Parochial Board: 20
- "Sheriff" shall include Sheriffs Substitute:
- "Superintendent" shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor and all Persons having any pecuniary Interest therein, or in the Profits to be derived therefrom, and also the Governor 25 of any Poorhouse in which Pauper Lunatics are kept, and the Proprietor or any Person or Persons having a pecuniary Interest in any other Licensed House for the Reception of Lunatics.

Existing
Board
abolished.

2. From and after the *passing of this Act* the General Board of Commissioners in Lunacy for Scotland, constituted by the first- 30 recited Act, shall be and is hereby abolished: Provided that all Orders, Rules, and Regulations made and established by the said General Board under the Provisions of the recited Acts or either of them, and which are in force at the passing of this Act, shall be and remain in force until the same are altered or repealed by any Order, 35 Rule, or Regulation made by the Board constituted by this Act.

Constitution
of General
Board of
Lunacy.

3. For the Purpose of carrying into execution the Provisions of the recited Acts and this Act, a Board shall be and is hereby constituted, to be called "The General Board of Commissioners in Lunacy for Scotland," consisting of a Chairman, to be appointed by Her Majesty 40 by

by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, and of the Sheriffs of the Counties of
 and for the Time being; and in the event of the Death, Resignation, or Removal of any Chairman of the Board, it shall be
 5 lawful for Her Majesty from Time to Time, by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, to appoint a Chairman of the Board in the Room of the Chairman so dying, resigning, or being removed.

4. The Chairman of the Board shall receive such Salary, not
 10 exceeding *Six hundred Pounds* per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury; and each of such Sheriffs shall, in addition to the Salary attached to his Office of Sheriff, receive such Allowance, not exceeding *One hundred Pounds* per Annum, as shall from Time to Time be fixed by the Commissioners of Her
 15 Majesty's Treasury, having regard to the Attendance of such Sheriff at the Meetings of the Board.

Salary and Allowances to Members of the Board.

5. The Monies required for defraying the Salary and Allowances of the Chairman and the other *Two* Members of the Board shall be raised in manner herein-after provided by annual Payments from the
 20 Parochial Boards chargeable for the Time with the Cost of the Maintenance of Pauper Lunatics, and from the Superintendents of public or private Asylums, as regards Lunatics not Paupers, under their Care respectively on the *First Day of September* in each Year.

Annual Payments for defraying Salary and Allowances.

25 6. On or before the *First Day of September* in each Year the Board shall ascertain and fix the Amount required for the Payment of the said Salary and Allowances for the Year ensuing, and the Sum payable by each such Parochial Board and Superintendent, and the Secretary shall give Notice in Writing of the Sum so payable to the
 30 Inspector of Poor appointed by each such Parochial Board, and to each such Superintendent; and such Sums shall be payable in advance on the *First Day of October* in each Year; and if any such Inspector of Poor or Superintendent shall fail or neglect to pay to the Secretary the Sum so payable by such Parochial Board or Superintendent respectively on or before the *Twenty-second Day of October* in any Year,
 35 he shall, in addition to the Payment of such Sum, be liable to a Penalty of *Five Pounds*; and such Sum and Penalty may be sued for and recovered by the Secretary in any competent Court from the Inspector of Poor or Superintendent so failing or neglecting to pay:
 40 Provided that if any Deficiency shall arise in any Year, the Sum necessary to meet such Deficiency may be imposed and raised, in manner before provided, in the Year immediately ensuing, on and

Board to fix Sums required, and Payments to be made by Parochial Boards and Superintendents.

from the Parochial Boards and Superintendents liable for the Sums payable in such ensuing Year, and in addition thereto.

Commis-
sioners and
Deputy Com-
missioners
to be Inspec-
tors and
Deputy In-
spectors.

7. From and after the *passing of this Act* the Two paid Commissioners appointed under the first-recited Act shall be Inspectors in Lunacy for Scotland, and the Deputy Commissioners appointed 5 under the first-recited Act shall be Deputy Inspectors in Lunacy for Scotland; and such Inspectors and Deputy Inspectors shall be subject to the Orders and Directions of the Board; and in the event of the Death, Resignation, or Removal of any Inspector or Deputy In- 10 spector, it shall be lawful for Her Majesty, by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, to appoint an Inspector or Deputy Inspector, as the Case may be, in the Room of the Person so dying, resigning, or being removed: Provided that in the event of any Vacancy occurring in the Office of Inspector or Deputy Inspector, the Secretary of State shall have Power to 15 revise the Staff of Officers, and to reduce the same if he think proper.

Duties of
Inspectors
and Deputy
Inspectors.

8. The Powers and Duties conferred and imposed by the recited Acts, or either of them, on the Commissioners and Deputy Com- 20 missioners, shall be applicable to and be discharged by the said Inspectors and Deputy Inspectors, subject to such Restrictions and Regulations as may from Time to Time be made by the Board with respect to such Powers and Duties.

Secretary
and Clerks
to continue
in Office.

9. The Secretary and Clerks who are in Office at the Date of the *passing of this Act* shall continue in Office, subject to the Provisions 25 of the recited Acts and this Act; and, except in so far as the same may be inconsistent with this Act, the Provisions of the recited Acts in regard to the Board, and the Secretary and Clerks, and the Powers and Duties thereby conferred and imposed on the Board, Secretary, and Clerks, shall remain in force and be applicable to 30 them respectively in all respects as if they had been appointed under this Act.

Meetings of
the Board.

10. The Board shall hold stated Monthly Meetings at such Times and Places as they may from Time to Time appoint: Extraordinary 35 Meetings of the Board may at any Time be called by Order of the Chairman, and Notice thereof shall be given by the Secretary to the other Members of the Board: The Chairman and One other Member of the Board shall be a Quorum; and One of the Inspectors in Lunacy shall be in attendance at every stated or Extraordinary 40 Meeting of the Board.

11. It shall be lawful for the Board to license Lunatic Wards of Poorhouses for the Reception and Detention, on the Order of the Sheriff, of Pauper Lunatics who are not dangerous, and do not require curative Treatment, subject to such Rules and Conditions as the Board may prescribe; and the Board may also, if they shall be satisfied that good Reasons exist therefor, continue all Licences that have been already granted to Lunatic Wards of Poorhouses.

Board may
license
Lunatic
Wards of
Poorhouses.

12 It shall be lawful for the Board to sanction the Reception of Pauper Lunatics into Lunatic Wards of Poorhouses without the Order of the Sheriff, according to Forms and subject to Regulations approved of by the Board, and at any Time to withdraw such Sanction; and any Governor or Keeper of a Poorhouse who shall receive any such Lunatic without an Order by the Sheriff or Sanction of the Board, or detain any such Lunatic for more than *Seven* Days after the Withdrawal of such Sanction, shall be liable in a Penalty not exceeding *Ten Pounds*.

Board may
sanction the
Reception of
Pauper
Lunatics in
Poorhouses.

13. It shall be lawful for the Board to grant Special Licences to Occupiers of Houses, for the Reception and Detention therein of Pauper Lunatics, not exceeding *Four* in Number, subject to such Rules and Regulations as the Board may appoint, and to exempt the Holders of such Special Licences from the Payment of any Fee, or of any Sum whatever in respect thereof; and except in so far as expressly exempted by the Board, the Holders of such Licences shall be subject to the whole Provisions applicable to the Keepers or Superintendents of Private Asylums in the recited Acts and this Act contained; and the Board, on the Application of the Inspector of the Poor of the Parish liable at the Time for the Maintenance or interim Maintenance of any Pauper Lunatic, accompanied by Medical Certificates in the Forms herein-after prescribed, may sanction the Reception and Detention of such Pauper Lunatic in any House so specially licensed: Provided that no Lunatic shall be received into any such House without the Sanction of the Board, granted according to the Forms and Regulations approved of by them; and any Person receiving any Lunatic into any House specially licensed as aforesaid, or being concerned in the Disposal of such Lunatic without the Sanction of the Board, shall be liable to a Penalty not exceeding *Ten Pounds*.

Board may
grant
Special
Licences for
Reception in
Houses of
not more
than Four
Pauper
Lunatics.

14. The Board may, in the event of a District Board failing to take the necessary Steps, or any of them, for the Purpose of erecting an Asylum within the District, or contracting with an existing Asylum, to such Extent, or in such Way as the Board, on a full Consideration of the Circumstances may consider to be requisite, represent such

Secretary of
State may
authorize
the Board
to apply to
Court of
Session.

Failure to One of Her Majesty's Principal Secretaries of State, who may thereupon communicate such Representation to the District Board, and after considering any Answer which may be made thereto, within such Time as he may appoint, such Secretary of State may authorize the Board to apply to the Court of Session in either Division, 5 or during Vacation to the Lord Ordinary on the Bills, by summary Petition in Common Form, and the Court or Lord Ordinary shall, on advising such Petition, appoint a Person at whose Sight and Instance the whole Powers and Duties of the District Board relative to the providing of such Asylum Accommodation shall be performed, 10 at the Expense of the District Board.

Lunatics to
be admitted
by Order of
the Sheriff
and on
Medical
Certificate.

15. The Thirty-fourth Section of the first-recited Act is hereby repealed; and in lieu thereof be it enacted, That it shall be lawful for the Sheriff of the County in which a Lunatic is resident, or in which any Public, Private, or District Asylum, or Poorhouse with a 15 Lunatic Ward, or House in Terms of this Act, is situate, to grant an Order for the Reception of such Lunatic into any such Public, Private, or District Asylum or House, or if a Pauper Lunatic into any such Asylum or House or into the Lunatic Ward of any such Poorhouse; but no such Order shall be granted unless upon a Petition subscribed 20 by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) to the first-recited Act annexed, and setting forth the Degree of Relationship or other Capacity in which the Petitioner stands to such Lunatic, and also accompanied by Certificates in the Form of Schedule (D.) to 25 the first-recited Act annexed, bearing Date within Fourteen clear Days next preceding the Date of the Petition, under the Hands of Two Medical Persons, having no immediate or pecuniary Interest in the Asylum in which the Lunatic shall be placed, but One of whom may notwithstanding be the Medical Superintendent or Consulting 30 or Assistant Physician of such Asylum if a Public or District Asylum; and such Orders shall be in the Form of Schedule (E.) to the first-recited Act annexed; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and 35 left with such Superintendent such Order by the Sheriff, dated within *Fourteen* clear Days prior to the Reception of such Lunatic, or if such Order be granted by the Sheriff of Orkney and Shetland, within *Twenty-one* clear Days prior thereto; provided that the Superintendent of any Public, Private, or District Asylum may 40 receive and detain therein, for any Period not exceeding *Three* Days, and without any Order by the Sheriff, any Person as a Lunatic, whose Case is duly certified to be One of Emergency by One Medical Person other than the Medical Superintendent,
Consulting

Consulting or Assistant Physician of such Public, Private, or District Asylum.

16. The Eighty-fifth Section of the first-recited Act is hereby repealed, and in lieu thereof be it enacted, That when any Lunatic shall have been apprehended, charged with Assault or other Offence inferring Danger to the Lieges, or where any Lunatic shall be found in a State threatening Danger to the Lieges, or in a State offensive to public Decency, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal or Inspector of the Poor, or other Person, accompanied by a Certificate from a Medical Person, bearing that the Lunatic is in a State threatening such Danger, or in a State offensive or threatening to be offensive to public Decency, forthwith to commit such Lunatic to some Place of safe Custody; and the Sheriff shall thereupon direct Notice to be given, in some Newspaper circulated in the County within which such Lunatic was apprehended, of such Commitment, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named, and shall also direct Notice of the Application to be given to the Inspector of Poor of the Parish within which the Lunatic has been apprehended or found at large (where the Application is not presented by the Inspector of such Parish), and such further Notice as he shall think fit; and if the Inspector of the Parish does not within *Twenty-four Hours* undertake, to the Satisfaction of the Sheriff, to make due Arrangements for the safe Custody of such Lunatic, the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and in a State threatening Danger to the Lieges, or Offence to public Decency, he shall commit the Lunatic to any Public, Private, or District Asylum within his Jurisdiction, and in case there shall be no such Asylum within the Jurisdiction of the Sheriff, he shall commit such Lunatic to some such Asylum beyond his Jurisdiction; and an Order authorizing the Superintendent of the Asylum to which the Lunatic may be committed to receive the Lunatic, and authorizing the Transmission of the Lunatic to such Asylum, shall be granted by the Sheriff in respect of every such Commitment; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and on being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security; and the Sheriff, at the Time of granting Warrant to commit such Lunatic to an Asylum, or thereafter in Proceedings following on the said Application, shall pronounce a Judgment finding the Amount of the Expenses connected with the said Application, Inquiry, and Procedure,

Sheriff may
commit
dangerous
Lunatics.

as the same shall be taxed, and shall grant Decree for such Expenses against the Parish within which the Lunatic shall have been apprehended or found at large, and in favour of the Procurator Fiscal, or other Person (except the Inspector of the Poor) at whose Instance such Application shall have been made and such Inquiry and Procedure 5 conducted, and shall also grant Decree against such Parish and in favour of the Procurator Fiscal or other such Person (except the Inspector of Poor), or in favour of the Superintendent or Keeper of the Asylum to which the Lunatic shall have been committed, for such Sum as may be necessary for the Maintenance of such Lunatic; and 10 every such Decree shall be final and conclusive, and not subject to Review or Reduction in any way or by any Process whatsoever; but the Parish so decerned against and paying such Expenses and Cost of Maintenance shall have Relief and Recourse therefor against the Lunatic and his Estate, and any of his Relatives legally liable for his 15 Maintenance, and also against the Parish of Settlement of such Lunatic in the event of the Parish in which the Lunatic was apprehended or found at large not being the Parish of Settlement as accords of Law.

Board may determine Number of Patients Asylum is fitted to receive.

17. The Board may fix and determine the Number of Patients which any Public, Private, or District Asylum is fitted to receive and 20 accommodate, and no Superintendent shall receive and detain at any Time within any such Asylum a greater Number of Patients than is so fixed and determined by the Board; and any Superintendent contravening this Provision shall be liable in a Penalty of *Ten Pounds* 25 for every Patient so received and detained for more than *Twenty-four* 25 Hours in excess of the Number so fixed by the Board.

On Application of Person at whose Instance a Lunatic is detained, Board may authorize his Removal or Liberation on Probation without an Order of the Sheriff.

18. The Board may, on the Application of the Person at whose Instance any Lunatic is detained, or in the Absence of such Person on the Application of the nearest known Relative of such Lunatic, and in the Case of a Pauper Lunatic on the Application of the 30 Inspector of Poor of the Parish by which the Expense of the Maintenance of the Lunatic is defrayed, authorize the Removal or Transfer of any such Lunatic from any Asylum or House in which he is detained to any other Asylum or House legally set apart for the Reception and Detention of such Persons, and without any Order of 35 the Sheriff; and also on the like Application respectively may grant Authority for the Liberation on Trial or Probation of any Lunatic from any such Asylum or House for such Time and under such Regulations as the Board may consider necessary or proper; and during such Period of Probation or Trial the Warrant and Certificates 40 on which the Detention of such Lunatic proceeded shall, in the event of his requiring to be again received into any such Asylum or House, be sufficient for his Reception and Detention therein without

a new Warrant and Certificate; and the Superintendent of any such Asylum or House shall be bound to receive any such Lunatic into his Establishment without any Order from the Sheriff, but shall, in all other respects, in so far as not inconsistent with this Act, be bound to comply with the whole other Provisions relating to the Reception, Detention, and Liberation of Lunatics in the recited Acts and this Act contained, under the Penalties therein and herein provided.

19. When it shall appear to the Superintendent of any Asylum or House that any Lunatic detained therein has so far recovered that he may be safely liberated without Risk or Injury to the Public or the Lunatic, such Superintendent shall grant a Certificate to that Effect, or procure one from the ordinary Medical Attendant of such Asylum or House, and shall transmit a Copy thereof to the Person at whose Instance such Lunatic is detained, or in the Absence of such Person to the nearest known Relative of the Lunatic, and in the Case of a Pauper Lunatic to the Person or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed; and on the Failure, within *Fourteen* Days from the Despatch of such Copy Certificate of the Person to whom the same was transmitted to take Steps for the Liberation of such recovered Lunatic, such Superintendent shall intimate the Facts to the Board, who may direct such Inquiry into the Circumstances as they deem necessary, and if satisfied that the Lunatic has recovered, or that he may be safely liberated without Risk or Injury to the Public or himself, the Board may order his Discharge forthwith.

Superintendent to give Intimation of Recovery of a Lunatic.

20. If any Parochial Board, after Intimation shall have been made to them in Terms of Section One hundred and twelve of the first-recited Act, and after Requisition by the Board, shall refuse or neglect for *Twenty-one* Days after such Requisition to provide for the Removal of a Pauper Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, the Board may take such Measures as are necessary for the Removal of such Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, and the whole Expense of such Removal, and all subsequent Expenses incurred by the Board for Maintenance and otherwise in respect of such Lunatic, shall be recoverable by the Board, by ordinary Process, from the Parochial Board refusing or neglecting to remove such Pauper Lunatic as aforesaid; but subject to any Right of Relief which such Parochial Board may legally have against the Parish ultimately liable for the Maintenance and Support of such Lunatic.

If Parochial Board neglect to provide for Removal of a Pauper Lunatic, Board may take necessary Measures.

21. If at any Time within *Sixty* Days of the Expiration of the Sentence of any Convict or other Prisoner confined in the General Prison

Insane Prisoners may, on

Expiry of Sentence, be detained in General Prison.

Prison at Perth, it is certified, on Soul and Conscience, by Two or more Medical Persons, that they have personally visited and carefully examined the Prisoner within the said *Sixty Days*, and that he is in their Opinion insane, and that his Insanity is of a Kind which renders it advisable that he should be detained in the Lunatic Department of the said General Prison rather than in a Lunatic Asylum, it shall be lawful for One of Her Majesty's Principal Secretaries of State, by a Writing under his Hand, to authorize such Prisoner to be detained in the said General Prison after the Expiration of his Sentence, and such Prisoner may thereupon be detained accordingly; provided that it shall at any Time thereafter be lawful for Her Majesty to give such Order for the safe Custody of such Prisoner during Her Majesty's Pleasure in such Place and in such Manner as to Her Majesty shall seem fit.

Orders may be carried out in General Prison.

22. If any Person, having been charged under an Indictment or Criminal Libel, shall be ordered by the Court, under the Provisions of the first-recited Act, to be kept in strict Custody until Her Majesty's Pleasure shall be known, such Order, whether the General Prison at Perth be mentioned therein or not, or whether the Name of any other Prison or Place be mentioned therein or not, shall be deemed and is hereby declared to be an Order which may be carried into effect in the said General Prison (unless such Order expressly directs that such Person shall not be removed to the said General Prison); and the Person to whom such Order applies may (excepting in the Case above provided) be removed thereto, under the Provisions for the Removal of Prisoners contained in the "Prisons (Scotland) Administration Act, 1860," and shall be detained in such Prison until Her Majesty's Pleasure be known; and it shall thereafter be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Majesty's Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit; provided that within *Eight Days* after the Reception of such Person within the said General Prison, Intimation of such Reception, under the Hand of the Governor of the General Prison, shall be transmitted to One of Her Majesty's Principal Secretaries of State, and also to the Secretary of the Board.

Orders to be intimated to Managers of Prisons.

23. When any such Order shall be pronounced, the Clerk of Court shall within *Eight Days* of the Date thereof send Intimation of such Order, as nearly as may be in the Terms provided in Section Fifty-nine of the said Prisons Administration Act, to the Managers appointed under the said Act.

Sentences for less than Nine Months

24. If it shall be certified on Soul and Conscience by *Two* Medical Persons that they have personally visited and carefully examined a Prisoner

Prisoner confined under Sentence in a Local Prison, in Terms of the said Prisons Administration Act, that such Prisoner is insane, the Sentence, although for a shorter Period than *Nine* Months, shall be deemed to be a Sentence which may be carried into effect in the said
5 General Prison, and such Prisoner may be removed thereto, in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners.

25. If, within *Fourteen* Days of the Period when a Prisoner in the said General Prison would fall to be liberated by Expiry of Sen-
10 tence or otherwise, it shall be certified on Soul and Conscience by *Two* Medical Persons that they have personally visited and carefully examined such Prisoner, and that he is insane, such Prisoner may be removed to the Local Prison whence he was brought, in Terms of the Provisions of the said Prisons Administration Act for the Removal of
15 Prisoners; and if Arrangements shall have been completed for the Reception of such Prisoner within a Lunatic Asylum in which he can be lawfully received and detained, he may be removed to such Asylum as if the same were a Prison, in Terms of such Provisions for the Removal of Prisoners.

20 26. The Provisions of the first-recited Act and of this Act, authorizing Her Majesty to give Orders for the safe Custody of any Person during Her Pleasure, may be carried into effect by a Writing under the Hand of One of Her Principal Secretaries of State, and such Writing shall be binding on all Persons concerned.

25 27. Sections Twenty-two and Twenty-three of the first-recited Act, and such other of the Provisions of the recited Acts as are inconsistent with this Act, are hereby repealed.

may be carried out in General Prison.

Insane Prisoners may be removed to an Asylum.

Secretary of State may give Orders for safe Custody of any Person during Her Majesty's Pleasure.

Provisions of recited Acts repealed.

Lunacy (Scotland).

A

B I L L

To make further Provision respecting
Lunacy in Scotland.

(*Prepared and brought in by
The Lord Advocate and Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
11 April 1862.*

[Bill 93.]

Under 2 oz.

15 May 1862. 25 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE

TO

Make further Provision respecting Lunacy in
Scotland.

WHEREAS an Act was passed in the Twentieth and
Twenty-first Year of the Reign of Her present Majesty,
intituled “An Act for the Regulation of the Care and 20 & 21 Vict.
“ Treatment of Lunatics, and for the Provision, Maintenance, and c. 71.
5 “ Regulation of Lunatic Asylums in Scotland;” and another Act was
passed in the Twenty-first and Twenty-second Year of the Reign of
Her present Majesty, intituled “An Act to amend an Act of the 21 & 22 Vict.
“ last Session, for the Regulation of the Care and Treatment of c. 89.
“ Lunatics, and for the Provision, Maintenance, and Regulation
10 “ of Lunatic Asylums in Scotland:” And whereas it is expedient
to prolong the Existence of the General Board of Commissioners in
Lunacy constituted by first-recited Act and to amend certain of the
Provisions of the said Acts: Be it enacted by the Queen’s most
Excellent Majesty, by and with the Advice and Consent of the
15 Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, as follows:

1. The following Words and Expressions when used in this Act shall have the Meanings hereby assigned to them: Interpretation.

20 “Board” shall mean the General Board of Commissioners in
Lunacy for Scotland constituted by the said first-recited Act:
[Bill 120.] A “Secretary”

“Secretary” shall mean the Secretary of the Board for the Time being :

“Lunatic Wards of a Poorhouse” shall mean those Wards or Parts of a Poorhouse sanctioned by the Board for the Reception and the Detention of Pauper Lunatics :

5

“Medical Person” shall mean any Person registered as a Practitioner in Medicine or Surgery, pursuant to the Act Twenty-first and Twenty-second Victoria, Chapter Ninety :

“Lunatic,” when used in this and the recited Act, shall mean and include every Person certified by Two Medical Persons to be 10 a Lunatic, an insane Person, an Idiot, or a Person of unsound Mind :

“Pauper Lunatic” shall mean and include any Lunatic towards the Expense of whose Maintenance any Allowance is given or made by any Parochial Board :

15

“Sheriff” shall include Sheriffs Substitute :

“Superintendent” shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor and all Persons having any pecuniary Interest therein, or in the Profits to be derived therefrom, and also the Governor 20 of any Poorhouse in which Pauper Lunatics are kept, and the Proprietor or any Person or Persons having a pecuniary Interest in any other Licensed House for the Reception of Lunatics.

Existing
Board
continued.

2. The General Board of Commissioners in Lunacy for Scotland, as constituted by the first-recited Act, shall be and is hereby 25 continued until the First Day of August One thousand eight hundred and sixty-four.

Board may
license
Lunatic
Wards of
Poorhouses.

3. It shall be lawful for the Board to license Lunatic Wards of Poorhouses for the Reception and Detention, on the Order of the Sheriff, of such Pauper Lunatics only who are not dangerous, and do 30 not require curative Treatment, subject to such Rules and Conditions as the Board may prescribe ; and the Board may also, if they shall be satisfied that good Reasons exist therefor, continue for such Cases all Licences that have been already granted to Lunatic Wards of Poorhouses.

35

Board may
sanction the
Reception of
Pauper
Lunatics in
Poorhouses.

4. It shall be lawful for the Board to sanction the Reception of Pauper Lunatics into Lunatic Wards of Poorhouses without the Order of the Sheriff, according to Forms and subject to Regulations approved of by the Board, and at any Time to withdraw such Sanction ; and any Governor or Keeper of a Poorhouse who shall receive any 40 such Lunatic without an Order by the Sheriff or Sanction of the Board, or detain any such Lunatic for more than Seven Days after the

the

the Withdrawal of such Sanction, shall be liable in a Penalty not exceeding Ten Pounds.

5. It shall be lawful for the Board to grant Special Licences to Occupiers of Houses, for the Reception and Detention therein of Lunatics, not exceeding Four in Number, subject to such Rules and Regulations as the Board may appoint, and to exempt the Holders of such Special Licences from the Payment of any Fee, or of any Sum whatever in respect thereof; and except in so far as expressly exempted by the Board, the Holders of such Licences shall be subject to the whole Provisions applicable to the Keepers or Superintendents of Private Asylums in the recited Acts and this Act contained; and the Board, in the Case of a Lunatic who is a Pauper, on the Application of the Inspector of the Poor of the Parish liable at the Time for the Maintenance or interim Maintenance of such Lunatic, or in any other Case, on the Application of any one legally entitled to make the same, accompanied by Medical Certificates in the Forms herein-after prescribed, may sanction the Reception and Detention of such Lunatic in any House so specially licensed: Provided that no Lunatic shall be received into any such House without the Sanction of the Board, granted according to the Forms and Regulations approved of by them; and any Person receiving any Lunatic into any House specially licensed as aforesaid, or being concerned in the Disposal of such Lunatic without the Sanction of the Board, shall be liable to a Penalty not exceeding Ten Pounds.

Board may grant Special Licences for Reception in Houses of not more than Four Lunatics.

6. Subject to the Provisions of the said first-recited Act and this Act, the Board, on a full Consideration of the Circumstances, may determine from Time to Time whether the Accommodation for any District is adequate, or what Addition ought to be made thereto, or whether a new District Asylum ought to be erected, and may in the event of a District Board failing to take such Steps as the Board may consider requisite toward providing Accommodation for the District, or contracting with an existing Asylum to such an Extent and in such Way as the Board may consider necessary, represent such Failure to One of Her Majesty's Principal Secretaries of State, who may thereupon communicate such Representation to the District Board, and after considering any Answer which may be made thereto, within such Time as he may appoint, such Secretary of State may authorize the Board to apply to the Court of Session in either Division, or during Vacation to the Lord Ordinary on the Bills, by summary Petition in Common Form, and the Court or Lord Ordinary shall, on advising such Petition, appoint a Person at whose Sight and Instance the whole Powers and Duties of the District Board relative

Secretary of State may authorize the Board to apply to Court of Session.

to the providing of such Accommodation shall be performed, at the Expense of the District Board.

CLAUSE A.

Parishes providing Asylum Accommodation to be relieved from Assessments.

7. Any Parish which has, prior to the Date of the recited Act, provided Accommodation for its lunatic Paupers in whole or in part, to the Satisfaction of the Board, shall have such Relief, partial or 5 total, from Assessments for building, furnishing, or maintaining the Asylum of the District within which such Parish is situate as the Board may consider reasonable.

CLAUSE B.

Where there is no Asylum District Board may dissolve itself.

8. If in any District there shall be no District Asylum, it shall be lawful for the District Board of such District, with the Sanction of 10 the Board, to dissolve itself, and on the Requisition and Order of the Board such District Board may again at any Time be revived; and where there is no District Asylum the Expenses incurred by the District Board may be paid by the Prison Board out of the Prison Assessments, or where any Ground has been acquired for the Erection 15 of a District Asylum and now found not to be requisite either in whole or in part, it shall be lawful for the District Board to sell and dispose of the same or of any Part thereof, and to repay the Proceeds, after Payment of all Expenses and Liabilities incurred by the Board, to the Commissioners of Supply for the County or Magistrates of the 20 Burgh, as the Case may be.

CLAUSE C.

District Boards may make Provision for Payment of Interest on borrowed Monies by fixed annual Instalments.

9. Notwithstanding anything in the said recited Acts to the contrary implied or expressed with respect to the borrowing of Money for the Purposes of said Acts, it shall be lawful for any District Board to make Provision for Repayment of Monies so borrowed, and 25 of the Interest thereof, by annual Instalments of a fixed and uniform Amount, so long as any Part of the Principal Sums so borrowed remains unpaid.

Lunatics to be admitted by Order of the Sheriff and on Medical Certificate.

10. The Thirty-fourth Section of the first-recited Act is hereby repealed; and in lieu thereof be it enacted, That it shall be lawful 30 for the Sheriff of the County in which a Lunatic is resident, or in which any Public, Private, or District Asylum, or Poorhouse with a Lunatic Ward, or House in Terms of this Act, is situate, to grant an Order for the Reception of any Lunatic into any such Public, Private, or District Asylum or House, and it shall also be lawful for the Sheriff 35 of the County in which a Lunatic is resident or may be found, to grant an Order for the Reception of such Lunatic into any Asylum for the District or any House within his Jurisdiction, or if a Pauper Lunatic into any such Asylum or House or into the Lunatic Ward of any such Poorhouse; but no such Order shall be granted unless upon a Petition 40 subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) to the first-recited

recited Act annexed, and setting forth the Degree of Relationship or other Capacity in which the Petitioner stands to such Lunatic, and also accompanied by Certificates in the Form of Schedule (D.) to the first-recited Act annexed, bearing Date within Fourteen clear
5 Days next preceding the Date of the Petition, under the Hands of Two Medical Persons, having no immediate or pecuniary Interest in the Asylum in which the Lunatic shall be placed, but One of whom may notwithstanding be the Medical Superintendent or Consulting or Assistant Physician of such Asylum, not being a Private Asylum;
10 and such Orders shall be in the Form of Schedule (E.) to the first-recited Act annexed; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within
15 Fourteen clear Days prior to the Reception of such Lunatic, or if such Order be granted by the Sheriff of Orkney and Shetland, within Twenty-one clear Days prior thereto; provided that the Superintendent of any Public, Private, or District Asylum may receive and detain therein, for any Period not exceeding Three
20 Days, and without any Order by the Sheriff, any Person as a Lunatic, whose Case is duly certified to be One of Emergency by One Medical Person qualified as aforesaid.

11. The Eighty-fifth Section of the first-recited Act is hereby repealed, and in lieu thereof be it enacted, That when any Lunatic
25 shall have been apprehended, charged with Assault or other Offence inferring Danger to the Lieges, or where any Lunatic shall be found in a State threatening Danger to the Lieges, or in a State offensive to public Decency, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal or Inspector of the Poor, or other Person,
30 accompanied by a Certificate from a Medical Person, bearing that the Lunatic is in a State threatening such Danger, or in a State offensive or threatening to be offensive to public Decency, forthwith to commit such Lunatic to some Place of safe Custody; and the Sheriff shall thereupon direct Notice to be given, in some Newspaper
35 circulated in the County within which such Lunatic was apprehended, of such Commitment, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named, and shall also direct Notice of the Application to be given to the Inspector of Poor of the Parish within which the Lunatic has been apprehended or found
40 at large (where the Application is not presented by the Inspector of such Parish), and such further Notice as he shall think fit; and if the Inspector of the Parish does not within Twenty-four Hours undertake, to the Satisfaction of the Sheriff, to make due Arrangements for the safe Custody of such Lunatic, the Sheriff shall

Sheriff may
commit
dangerous
Lunatics.

accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and in a State threatening Danger to the Lieges, or offensive to public Decency, he shall commit the Lunatic to any Asylum within his Jurisdiction, and in case there shall be no such Asylum within the Jurisdiction 5 of the Sheriff, he shall commit such Lunatic to some such Asylum beyond his Jurisdiction; and an Order authorizing the Superintendent of the Asylum to which the Lunatic may be committed to receive the Lunatic, and authorizing the Transmission of the Lunatic to such Asylum, shall be granted by the Sheriff in respect of every 10 such Commitment; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and on being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the 15 Delivery of the Lunatic to the Person so finding Security; and the Sheriff, at the Time of granting Warrant to commit such Lunatic to an Asylum, or thereafter in Proceedings following on the said Application, shall pronounce a Judgment finding the Amount of the Expenses connected with the said Application, Inquiry, and Procedure, 20 as the same shall be taxed, and shall grant Decree for such Expenses against the Parish within which the Lunatic shall have been apprehended or found at large, and in favour of the Procurator Fiscal, or other Person (except the Inspector of the Poor) at whose Instance such Application shall have been made and such Inquiry and Procedure 25 conducted, and shall also grant Decree against such Parish and in favour of the Procurator Fiscal or other such Person (except the Inspector of Poor), or in favour of the Superintendent or Keeper of the Asylum to which the Lunatic shall have been committed, for such Sum as may be necessary for the Maintenance of such Lunatic; and 30 every such Decree shall be final and conclusive, and not subject to Review or Reduction in any way or by any Process whatsoever; but the Parish so decerned against and paying such Expenses and Cost of Maintenance shall have Relief and Recourse therefor against the Lunatic and his Estate, and any of his Relatives legally liable for his 35 Maintenance, and also against the Parish of Settlement of such Lunatic in the event of the Parish in which the Lunatic was apprehended or found at large not being the Parish of Settlement as accords of Law.

Board may
determine
Number of
Patients
Asylum is
fitted to
receive.

12. The Board may fix and determine the Number of Patients which any Asylum is fitted to receive and accommodate, and no 40 Superintendent shall receive and detain at any Time within any such Asylum a greater Number of Patients than is so fixed and determined by the Board; and any Superintendent contravening this Provision shall be liable in a Penalty of Ten Pounds for every Patient so received and

and detained for more than Twenty-four Hours in excess of the Number so fixed by the Board.

13. The Board may, on the Application of the Person at whose Instance any Lunatic is detained, or in the Absence of such Person
 5 on the Application of the nearest known Relative of such Lunatic, and in the Case of a Pauper Lunatic on the Application of the Inspector of Poor of the Parish by which the Expense of the Maintenance of the Lunatic is defrayed, authorize the Removal or Transfer of any such Lunatic from any Asylum or House in which
 10 he is detained to any other Asylum or House legally set apart for the Reception and Detention of such Persons, and without any Order of the Sheriff; and also on the like Application respectively may grant Authority for the Liberation on Trial or Probation of any Lunatic from any such Asylum or House for such Time and under such
 15 Regulations as the Board may consider necessary or proper; and during such Period of Probation or Trial the Warrant and Certificates on which the Detention of such Lunatic proceeded shall, in the event of his requiring to be again received into any such Asylum or House, be sufficient for his Reception and Detention therein without
 20 a new Warrant and Certificate; and the Superintendent of any such Asylum or House shall be bound to receive any such Lunatic into his Establishment without any Order from the Sheriff, but shall, in all other respects, in so far as not inconsistent with this Act, be bound to comply with the whole other Provisions relating to the Reception,
 25 Detention, and Liberation of Lunatics in the recited Acts and this Act contained, under the Penalties therein and herein provided.

On Application of Person at whose Instance a Lunatic is detained, Board may authorize his Removal or Liberation on Probation without an Order of the Sheriff.

14. When it shall appear to the Superintendent of any Asylum or House that any Lunatic detained therein has so far recovered that he may be safely liberated without Risk or Injury to the Public or the
 30 Lunatic, such Superintendent shall grant a Certificate to that Effect, or procure one from the ordinary Medical Attendant of such Asylum or House, and shall transmit a Copy thereof to the Person at whose Instance such Lunatic is detained, or in the Absence of such Person to the nearest known Relative of the Lunatic, and in the Case of a
 35 Pauper Lunatic to the Person or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed; and on the Failure, within Fourteen Days from the Despatch of such Copy Certificate of the Person to whom the same was transmitted to take Steps for the Liberation of such recovered Lunatic, such Superintendent shall
 40 intimate the Facts to the Board, who may direct such Inquiry into the Circumstances as they deem necessary, and if satisfied that the Lunatic has recovered, or that he may be safely liberated without

Superintendent to give Intimation of Recovery of a Lunatic.

Risk or Injury to the Public or himself, the Board may order his Discharge forthwith.

If Parochial Board neglect to provide for Removal of a Pauper Lunatic, Board may take necessary Measures.

15. If any Parochial Board, after Intimation shall have been made to them in Terms of Section One hundred and twelve of the first-recited Act, and after Requisition by the Board, shall refuse or neglect 5 for Twenty-one Days after such Requisition to provide for the Removal of a Pauper Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, the Board may take such Measures as are necessary for the Removal of such Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, and the whole Expense of such Removal, and 10 all subsequent Expenses incurred by the Board for Maintenance and otherwise in respect of such Lunatic, shall be recoverable by the Board, by ordinary Process, from the Parochial Board refusing or neglecting to remove such Pauper Lunatic as aforesaid; but subject to any Right of Relief which such Parochial Board may legally have 15 against the Parish ultimately liable for the Maintenance and Support of such Lunatic.

Insane Prisoners may, on Expiry of Sentence, be detained in General Prison.

16. If at any Time within Sixty Days of the Expiration of the Sentence of any Convict or other Prisoner confined in the General Prison at Perth, it is certified, on Soul and Conscience, by Two or 20 more Medical Persons, that they have personally visited and carefully examined the Prisoner within the said Sixty Days, and that he is in their Opinion insane, and that his Insanity is of a Kind which renders it advisable that he should be detained in the Lunatic Department of the said General Prison rather than in a Lunatic Asylum, it shall be 25 lawful for One of Her Majesty's Principal Secretaries of State, by a Writing under his Hand, to authorize such Prisoner to be detained in the said General Prison after the Expiration of his Sentence, and such Prisoner may thereupon be detained accordingly; provided that it shall at any Time thereafter be lawful for Her Majesty to give such 30 Order for the safe Custody of such Prisoner during Her Majesty's Pleasure in such Place and in such Manner as to Her Majesty shall seem fit.

Orders may be carried out in General Prison.

17. If any Person, having been charged under an Indictment or Criminal Libel, shall be ordered by the Court, under the Provisions 35 of the first-recited Act, to be kept in strict Custody until Her Majesty's Pleasure shall be known, such Order, whether the General Prison at Perth be mentioned therein or not, or whether the Name of any other Prison or Place be mentioned therein or not, shall be deemed and is hereby declared to be an Order which may be carried into 40 effect in the said General Prison (unless such Order expressly directs that

- that such Person shall not be removed to the said General Prison); and the Person to whom such Order applies may (excepting in the Case above provided) be removed thereto, under the Provisions for the Removal of Prisoners contained in the "Prisons (Scotland) Administration Act, 1860," and shall be detained in such Prison until Her Majesty's Pleasure be known; and it shall thereafter be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Majesty's Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit; provided that within Eight Days after the Reception of such Person within the said General Prison, Intimation of such Reception, under the Hand of the Governor of the General Prison, shall be transmitted to One of Her Majesty's Principal Secretaries of State, and also to the Secretary of the Board.
- 15 **18.** When any such Order shall be pronounced, the Clerk of Court shall within Eight Days of the Date thereof send Intimation of such Order, as nearly as may be in the Terms provided in Section Fifty-nine of the said Prisons Administration Act, to the Managers appointed under the said Act. Orders to be intimated to Managers of Prisons.
- 20 **19.** If it shall be certified on Soul and Conscience by Two Medical Persons that they have personally visited and carefully examined a Prisoner confined under Sentence in a Local Prison, in Terms of the said Prisons Administration Act, and that such Prisoner is insane, the Sentence, although for a shorter Period than Nine Months, shall be deemed to be a Sentence which may be carried into effect in the said General Prison, and such Prisoner may be removed thereto, in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners. Sentences for less than Nine Months may be carried out in General Prison.
- 30 **20.** If, within Fourteen Days of the Period when a Prisoner in the said General Prison would fall to be liberated by Expiry of Sentence or otherwise, it shall be certified on Soul and Conscience by Two Medical Persons that they have personally visited and carefully examined such Prisoner, and that he is insane, such Prisoner may be removed back to the Local Prison to which he had been committed until liberated in due Course of Law, and such Removal may be carried out in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners; and if Arrangements shall have been completed for the Reception of such Prisoner within a Lunatic Asylum in any Part of Scotland in which he can be lawfully received and detained, he may be removed to such Asylum as if the same were such Local Prison, in Terms of such Provisions for the Removal of Prisoners. Insane Prisoners may be removed to an Asylum.

Secretary of
State may
give Orders
for safe
Custody of
any Person
during Her
Majesty's
Pleasure.

Provisions
of recited
Acts re-
pealed.

21. The Provisions of the first-recited Act and of this Act, authorizing Her Majesty to give Orders for the safe Custody of any Person during Her Pleasure, may be carried into effect by a Writing under the Hand of One of Her Principal Secretaries of State, and such Writing shall be binding on all Persons concerned.

5

22. Sections Twenty-two and Twenty-three of the first-recited Act, and such other of the Provisions of the recited Acts as are inconsistent with this Act, are hereby repealed.

Lunacy (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To make further Provision respecting
Lunacy in Scotland.

*(Prepared and brought in by
The Lord Advocate and Sir George Grey.)*

*Ordered, by The House of Commons, to be Printed,
15 May 1862.*

[Bill 120.]

Under 2 oz.

LORDS AMENDMENTS
TO THE
LUNACY (SCOTLAND) BILL.

Note.—*The Page and Line refer to the Bill (119.) as printed by the Lords.*

Page 1.

Line 11. Leave out (“prolong the Existence of”) and insert (“continue”)

Page 4.

Line 1. After (“House”) insert (“and shall make a similar
“ Report once every Month thereafter, so long as
“ such Person shall remain in such Asylum or
“ House, under a similar Penalty ; which Penalties
“ may be sued for and recovered by the Secretary
“ to the Board, and applied as Fees received for
“ Licences are directed to be applied by the first-
“ recited Act; provided that it shall always be
“ competent to such Person to depart from such
“ Asylum or House unless the Superintendent
“ thereof shall certify to the said Sheriff that he
“ considers such Person to be in a State of Mind
“ dangerous to himself or others”)

Page 6.

Line 2. Leave out from (“thereof”) to (“but”) in Line 12.
and insert (“subject to the following Provisions,
“ the Sheriff of any County in Scotland may grant
“ an Order for the Reception into and Detention in
“ any Asylum, Lunatic Ward of a Poorhouse, or
“ House as before provided, of any Lunatic, if such
“ Lunatic be resident or be found within such
“ County, or if the Asylum, Lunatic Ward, or
“ House mentioned in such Order be situate within
“ such County”)

Line 38. Leave out (“be it enacted, That”)

Line 40. Leave out (“where”) and insert (“when”)

Line 42. After (“Sheriff”) insert (“of the County in which
“ such Lunatic may have been apprehended or
“ found”)

Page 7.

Line 5. After (“ apprehended ”) insert (“ or found ”)

Line 10. Leave out (“ at large ”)

Line 18. Leave out from (“ Asylum ”) to (“ and ”) in Line 21.

At the End of the Bill add Clause (A.)

Clause (A.)—Sections Twenty-two and Twenty-three of the first-recited Act, and such other of the Provisions of the recited Acts as are inconsistent with this Act, are hereby repealed.

TO THE

LUNACY (SCOTLAND) BILL.

*Ordered, by The House of Commons, to be Printed,
14 July 1862.*

[Bill 205.]

Under 1 oz.

Lunatics Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Interpretation of certain Terms in this Act; Sect. 1.

Construction of Act; 2.

Short Title of Act; 3.

Establishment of County Asylums.

Consent of Visitors to Annexation of Boroughs for Purposes of Asylum; 4.

Contributions by Boroughs annexed to Counties for Purposes of Asylum; 5.

16 & 17 Vict. c. 97. s. 31. Plans, &c. of Visitors, when not approved by the Quarter Sessions, to be submitted to Secretary of State; 6.

Estimates to accompany the Plans which are submitted to Commissioners under 16 & 17 Vict. c. 97. s. 45.;—7.

Burial of Lunatics in Asylum; 8.

Incorporation of Lands Clauses Act, 16 & 17 Vict. c. 97. s. 46.;—9.

Taking on Lease additional Lands for Use of Asylum; 10.

Superannuation of Officers in Asylum; 11.

Licensed Houses.

Inspection by Commissioners before Licence granted by Justices; 12.

Notice of Alterations to be given to the Commissioners; 13.

Provision as to non-resident Proprietors; 14.

Penalty on infringing Terms of Licence; 15.

Extension of Powers to take Boarders in licensed Houses; 16.

Admission of Patients.

Provision for sending Pauper Lunatics to Asylums; 17.

Lunatics proper to be sent to Asylums; 18.

Amendment of Form of List as respects Pauper Lunatics in Work-houses; 19.

Order for Reception and Medical Visitation of Persons found lunatic by Inquisition; 20.

Persons signing Orders for Admission to have seen Patient within One Month; 21.

- Certain Persons prohibited from signing Orders for Admission ; 22.
Relative of Pauper to be named in Order of Admission ; 23.
Same Order and Certificates to justify Detention as Pauper or Private Patient ; 24.
Provision as to defective Certificates ; 25.
Transmission of Documents to Commissioners on Admission of Patient ; 26.
Visits by Commissioners ; 27.
Single Commissioner to visit Asylums and Gaols ; 28.
Power to remove Lunatic from Workhouse to Asylum ; 29.
Removal of single Pauper Patient to Asylums ; 30.
Effect of Order for Removal ; 31.
Amendment of Section 64 of Lunacy Act ; 32.
Copies of Entries of Commissioners and Visitors ; 33.
Guardians to visit Lunatics in Workhouses ; 34.

Miscellaneous Clauses.

- Patients may be permitted to be absent on Trial from Hospitals and Private Houses ; 35.
Penalty on Officer conniving at the Escape of Lunatics ; 36.
Correspondence of Private Patients ; 37.
Statement as to Condition of single Patients ; 38.
Commissioners empowered to prescribe Forms, &c. of Medical Visitation Book ; 39.
Notice of Recovery to be given forthwith ; 40.
Discharge of a Private Patient ; 41.
Report to Coroner of Death of single Patient ; 42.
Chargeability of Pauper Lunatics whose Settlements cannot be ascertained where found in certain Boroughs ; 43.
Amendment of 8 & 9 Vict. c. 100. s. 100. as to Power of administering Oaths ; 44.
Definition of Physician, Surgeon, or Apothecary ; 45.
16 & 17 Vict. c. 97. s. 132. repealed in part ; 46.
SCHEDULES.
-

24 June 1862. 25 & 26 VICT.



A

B I L L

TO

Amend the Law relating to Lunatics.

WHEREAS it is expedient to amend the Law relating to Lunatics, other than those found Lunatics by Inquisition, or Lunatics convicted of Crime, or acquitted on the Ground of Insanity: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,) Preamble.

Preliminary.

1. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter), the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, Interpretation of certain Terms in this Act.

15 "Lunacy Act, Chapter One hundred," shall mean an Act passed in the Session holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred, and intituled "An Act for the Regulation of the Care and Treatment of Lunatics:" "Lunacy Act," c. 100. 8 & 9 Vict. c. 100. (4th Aug. 1845.)
[Bill 163.] A "Lunacy

"Lunacy Act," c. 96. 16 & 17 Vict. c. 96. (20th Aug. 1853.)

"Lunacy Act, Chapter Ninety-six," shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-six, intituled "An Act to amend an Act passed in the Ninth Year of Her Majesty, for the Regulation of the Care and Treatment of Lunatics :"

"Lunacy Act," c. 97. 16 & 17 Vict. c. 97. (20th Aug. 1853.)

"Lunacy Act, Chapter Ninety-seven," shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, intituled "An Act to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in England :"

"The Lunacy Acts."

"The Lunacy Acts" shall include the Three Acts above-mentioned and this Act: 15

"Asylum." See 16 & 17 Vict. c. 97. s. 132.

"Asylum" shall have the same Meaning as it has in the Lunacy Act, Chapter Ninety-seven :

"Registered Hospital."

"Registered Hospital" shall mean any Hospital registered for the Reception of Lunatics :

Construction of Act.

2. This Act shall be construed together with the Lunacy Acts, and Words defined by the said Acts or any of them shall have the same Meaning in this Act. 20

Short Title of Act.

3. This Act may be cited for all Purposes as the "Lunacy Acts Amendment Act, 1862."

Establishment of County Asylums.

Consent of Visitors to Annexation of Boroughs for Purposes of Asylum.

4. So much of Section Ten of the Lunacy Act, Chapter Ninety-seven, as requires the Consent of the Committee of Visitors of an Asylum belonging wholly or in part to any County to the Annexation of any Borough for the Purposes of that Act to such County shall be repealed, and the said Section shall be construed as if the Words "with the Consent of the Committee of Visitors of such Asylum" were omitted therein. 25 30

16 & 17 Vict. c. 97. s. 10. repealed in part.

Contribution by Boroughs annexed to Counties for Purposes of Asylum.

5. Where the Secretary of State, under Section Ten of the Lunacy Act, Chapter Ninety-seven, as amended by this Act, annexes any Borough to a County for the Purposes of that Act, he may direct such Payment as he thinks just to be made on the Part of the Borough in respect of the Expenses already incurred in providing the Asylum of the County, and of the Enlargement (if any) of such Asylum required in order to afford Accommodation for the Pauper Lunatics of the Borough, and it shall be lawful for the Secretary of State to direct within what Time and to whom any Money directed to be paid on 35 40

on the Part of the Borough is to be paid, and how the same is to be applied.

The Money directed to be paid in pursuance of this Section shall be paid by the Treasurer of the Borough out of such Rates,
 5 Fund, or Monies as are by the said Act provided with respect to Expenses payable for the Purposes of the said Act by any Borough annexed to a County; and all Provisions of the said Act concerning the raising of Money for that Purpose shall be applicable for raising the Money so directed to be paid; and, save as regards the Expenses
 10 specially provided for in pursuance of this Section under the Direction of the Secretary of State, the Provision in Section Nine of the said Act in relation to the Contribution by a Borough annexed to a County under that Section to the Expenses of the Asylum of the County shall apply to a Borough annexed under Section Ten of the
 15 said Act as amended by this Act.

6. Whereas by Section Thirty-one of the Lunacy Act, Chapter Ninety-seven, it is provided, "that the said Visitors shall from
 " Time to Time make their Report to the General or Quarter
 " Sessions of the County or Borough, Counties or Boroughs, for
 20 " which they (or such of them as have not been elected by Sub-
 " scribes, as therein mentioned,) have been elected, of the several
 " Plans, Estimates, and Contracts which have been agreed upon, and
 " of the Sum or Sums of Money necessary to be raised and levied
 " for defraying the Purchase Monies and Expenses thereof on the
 25 " County or Borough, or, in the Case of such Union as therein
 " mentioned, on each or every of the Counties or Boroughs; which
 " Plans, Estimates, and Contracts shall be subject to the Approba-
 " tion of the Court or Courts of General or Quarter Sessions of such
 " County or Counties, and of the Justices of such Borough or
 30 " Boroughs, before the same are completed or carried into execution "
 (save in the Case therein mentioned):

Plans, &c.
 of Visitors,
 when not
 approved by
 the Quarter
 Sessions, to
 be submitted
 to Secretary
 of State.

Where a Plan, Estimate, or Contract reported, in pursuance of the said Enactment, to any Court of General or Quarter Sessions of a County or to the Justices of any Borough is not
 35 approved by such Court or Justices, the said Court or Justices shall, within *One Month* after such Plan, Estimate, or Contract is reported to them, or where the same has been reported to them before the passing of this Act, then within *One Month* after the holding of the First Court of General or Quarter Sessions
 40 of the County or the First Meeting of the Justices of the Borough after the passing of this Act, set forth their Objections, with any Observations they may think fit in relation thereto, in a Report in Writing, and forthwith transmit the same to One of Her Majesty's

Principal Secretaries of State, and the Secretary of State shall cause such Inquiries to be made in relation to the Matter as he may deem proper, and shall by Writing under his Hand direct the Plan, Estimate, or Contract in question, with or without any Alteration therein, or such other Plan, Estimate, or Contract for the like Purpose as he may think fit, to be proceeded with and carried into execution. 5

The Decision of the Secretary of State, given in pursuance of this Section, shall be final, and shall be acted upon without further Report or Approval. 10

Estimates to
accompany
Plans.

7. Together with every Plan for building, or providing or enlarging or improving, any Asylum for Pauper Lunatics, which is to be submitted to the Commissioners in Lunacy, under Section Forty-five of the said Lunacy Act, Chapter Ninety-seven, an Estimate of the Cost and Expense of carrying such Plan into execution shall be also 15 submitted to the said Commissioners.

Burial of
Lunatics in
Asylum.

8. The Committee of Visitors of any Asylum may provide Accommodation for the Burial of Pauper Lunatics dying in the Asylum, by acquiring a new Burial Ground, or by enlarging any existing Burial Ground. They may purchase for the Purposes afore- 20 said any Land, and may grant any Land when purchased, or any Land already belonging to them, to any Person or Body of Persons, to be held on trust for a new Burial Ground or as Part of an existing Burial Ground, or they may themselves hold such Land on trust as a new Burial Ground or as Part of an existing Burial Ground; they 25 may also contribute any Sums of Money to any Person or Body of Persons, on Condition of such Person or Body of Persons agreeing to provide Accommodation for the Burial of such Paupers as aforesaid in any Burial Ground; they may also take Steps for the Consecration of any new Burial Ground or enlarged Burial Ground, or any Part 30 thereof; and in the Case of a new Burial Ground they may provide for the Appointment of a Chaplain therein. They may enter into any Agreements necessary for carrying into effect the Powers conferred by this Section, but the Exercise of such Powers shall be subject to the Restrictions following: 35

Firstly, That not more than *Two* Statute Acres shall in the Case of any One Asylum be purchased or granted as a new Burial Ground or for an Enlargement of an existing Burial Ground:

Secondly, That the Sanction of One of Her Majesty's Principal Secretaries of State shall be given to any Plan that may be 40 proposed by any Visitors for carrying into effect this Section.

All Expenses incurred by any Visitors in providing Accommodation for the Burial of Pauper Lunatics, in pursuance of this Act, shall

shall be deemed to be Monies, Costs, and Expenses payable for the Purposes of the Lunacy Act, Chapter Ninety-seven, and may be defrayed accordingly.

9. All the Provisions of "The Lands Clauses Act, 1845,"
 5 except the Provisions of that Act "with respect to the Purchase
 "and taking of any Lands otherwise than by Agreement," "with
 "respect to the Recovery of Forfeitures, Penalties, and Costs,"
 "with respect to Lands acquired by the Promoters of the Under-
 "taking, under the Provisions of the Lands Clauses Consolidation
 10 "Act, 1845, or the Special Act, or any Act incorporated therewith,
 "but which shall not be required for the Purposes thereof," "and
 "with respect to the Provision to be made for affording Access to
 "the Special Act by all Parties interested," shall be incorporated
 15 with this Act; and for the Purposes of this Act the Expression "the
 Promoters of the Undertaking," wherever used in the said Lands
 Clauses Consolidation Act, shall mean any such Committee of
 Visitors as aforesaid.

Incorporation of
Lands
Clauses Act.

10. It shall be lawful for any Committee of Visitors to hire or
 take on Lease, from Year to Year or for any Term of Years, at such
 20 Rent, and upon such Terms, and under such Covenants as they think
 fit, any Land or Buildings, either for the Employment or Occupation
 of the Patients in the Asylum, or for the temporary Accommodation
 of any Pauper Lunatics for whom the Accommodation in the Asylum
 may be inadequate.
 25 The Restrictions in Section Thirty-three of the Lunacy Act, Chapter
 Ninety-seven, as to the Term for which the Committee of Visitors are
 thereby authorized to take a Lease, or to rent Land, shall not apply
 to Land or Buildings to be hired or taken under this Provision.

Taking on
Lease addi-
tional Lands
for Use of
Asylum.

The Land and Buildings so to be hired or taken shall, while used
 30 for the Purposes of this Section, be deemed Part of the Asylum, and
 all existing Provisions as to the Asylum or Part of the Asylum shall
 be applicable thereto accordingly.

11. The Power vested in the Visitors of an Asylum of granting an
 Annuity by way of Superannuation to any Person that has been an
 35 Officer or Servant in such Asylum for not less than Twenty Years,
 under Section Fifty-seven of the Lunacy Act, Chapter Ninety-seven,
 may be exercised by them when any such Person has been an
 Officer or Servant for not less than Fifteen Years, in the same Manner
 as if the Time of such Service had been Twenty Years; and in cal-
 40 culating the Amount of Superannuation regard may be had, if the
 Visitors think fit, to the Value of the Lodgings, Rations, or other
 Allowances enjoyed by the Person superannuated.

Superannua-
tion of
Officers in
Asylum.

Licensed Houses.

Inspection
by Commis-
sioners
before
Licence
granted by
Justices.

12. Before the Grant by the Justices of a Licence for the Reception of Lunatics to a House which has not been previously licensed for that Purpose; the Notice given by the Applicant, and the Plan and Statements accompanying the same, or Copies of such Notice, Plan, and Statements respectively, shall be transmitted by the Clerk of the Peace of the County or Borough to the Commissioners, and the Commissioners shall inspect or cause to be inspected the House and Land or Appurtenances proposed to be included in the Licence, and shall ascertain, with reference as well to the Situation as to the Structure, Arrangements, and Condition of the Premises, whether the same are suitable for the Reception of the Patients proposed to be received therein, and the Commissioners shall transmit to the Clerk of the Peace for the County or Borough a Report in reference to such Application; and no Licence shall be granted by the Justices of the County or Borough, in pursuance of such Application, until the Report of the Commissioners with reference thereto has been received by the said Clerk of the Peace, and taken into consideration by the Justices in General or Quarter Sessions assembled.

Where a Licence is granted by the Justices of a County or Borough in respect of a House not previously licensed, such Licence shall, as nearly as conveniently may be, be according to the Form in the Schedule marked A. to this Act, instead of in the Form prescribed by the Lunacy Act, Chapter One hundred.

Notice of
Alterations
to be given
to the Com-
missioners.

13. Before the Consent of any Visitors is given to any Addition or Alteration being made in or about any Licensed House, or the Appurtenances, the Notice of the proposed Addition or Alteration, and Plan thereof, and accompanying Description given to the Clerk of the Peace, or Copies thereof respectively, shall be transmitted by him to the Commissioners, who shall, after making or causing to be made such Inquiries or Inspection (if any) as they may deem proper, transmit to the said Clerk of the Peace a Report stating their Approval or Disapproval thereof; and the Visitors shall not consent to such Addition or Alteration until they have received and considered such Report.

Provision
as to non-
resident
Proprietors.
16 & 17 Vict.
c. 96. s. 2.

14. Whereas by the Second Section of the Lunacy Act, Chapter Ninety-six, it is enacted, "that no Person having, after the passing of the Lunacy Act, Chapter One hundred, received for the First Time a Licence for the Reception of Lunatics, or thereafter receiving for the First Time such Licence, shall receive a Licence unless he resides on the Premises licensed, and no Two or more Persons

- “ Persons having, after the passing of the last-mentioned Act, received
 “ for the First Time a joint Licence for the Reception of Lunatics,
 “ or thereafter receiving for the First Time such joint Licence, shall
 “ receive such Licence unless they or One of them should reside on
 5 “ the Premises licensed :” And whereas it is expedient that in the
 Licensed Houses to which the said Section does not apply, by reason
 of the Proprietor or Proprietors thereof having first received a Licence
 prior to the Date mentioned in the said Section, the following Provision
 shall be made : Be it enacted,
 10 That in all Cases of Licensed Houses, where the Proprietor or
 Proprietors thereof have first received their Licence or Licences
 before the Date of the passing of the Lunacy Act, Chapter One
 hundred, the Physician, Surgeon, or Apothecary required by Act of
 Parliament to reside in or visit such House shall be approved, in the
 15 Case of a House licensed by the Commissioners, by the Commis-
 sioners, and in the Case of a House licensed by Visitors, by the
 Visitors ; and any Proprietor of a Licensed House to which this Section
 applies who does not within *One Month* after the passing of this
 Act obtain the Approval of the Commissioners or Visitors, as the
 20 Case may require, to the Appointment of any Physician, Surgeon, or
 Apothecary for the Time being acting in such Capacity as aforesaid,
 and who does not, in the Case of any fresh Appointment of any such
 Physician, Surgeon, or Apothecary as aforesaid, obtain a like Approval
 within *One Month* after such Appointment, shall be guilty of a
 25 Misdemeanor.

15. If any Person empowered by Licence issued under the Lunacy
 Act, Chapter One hundred, to employ his House and Premises for
 the Reception of Lunatics receives into his House any Patients beyond
 the Number specified in his Licence, or fails to comply with the
 30 Regulations of his Licence in respect of the Sex of the Patients to be
 received, or the Class of Patients, whether private or not, to be received,
 he shall, in respect of each Patient received in contravention of his
 Licence, incur a Penalty not exceeding *Fifty Pounds*.

Penalty on
 infringing
 Terms of
 Licence.
 8 & 9 Vict.
 c. 100. ss. 24
 30.

16. It shall be lawful for the Proprietor or Superintendent of
 35 any licensed House, with the previous Assent in Writing of Two or
 more of the Commissioners, or in the Case of a House licensed by
 Justices of Two or more of the Visitors, to entertain and keep in
 such House as a Boarder for such Time as may be specified in the
 Assent any Person who may have been within *Five* Years imme-
 40 diately preceding the giving of such Assent a Patient in any Asylum,
 Hospital, or licensed House, or under Care as a single Patient.

Extension
 of Powers
 to take
 Boarders in
 Houses.
 16 & 17 Vict.
 c. 96. ss. 4.
 & 6.

Admission and Visitation of Patients.

17. Whereas by the Sixty-seventh Section of the Lunacy Act,
 Chapter Ninety-seven, it is amongst other things enacted as follows,
 [163.] A 4 “ That

Provision
 for sending
 Pauper

Lunatics to Asylums.
16 & 17 Vict.
c. 97. s. 67.

“ That every Relieving Officer of any Parish within a Union or
“ under a Board of Guardians, and every Overseer of a Parish of
“ which there is no Relieving Officer, who shall have Knowledge either
“ by such Notice or otherwise that any Pauper resident in such Parish
“ is or is deemed to be a Lunatic and a proper Person sent to an 5
“ Asylum, shall within Three Days after obtaining such Knowledge
“ give Notice thereof to some Justice of the County or Borough
“ within which such Parish is situate :” Now be it enacted, That the
said Section shall be construed as if the Words “ and a proper
“ Person to be sent to an Asylum” had been omitted in the said 10
recited Enactment.

Lunatics
proper to be
sent to Asylums.

18. No Person shall be detained in any Workhouse as a Lunatic
or alleged Lunatic beyond the Period of *Fourteen* Days, unless in the
Opinion of the Medical Officer of the Union or Parish to which the
Workhouse belongs such Person is a proper Patient to be kept in a 15
Workhouse, nor unless the Accommodation in the Workhouse is suffi-
cient for his Reception, and any Person detained in a Workhouse in
contravention of this Section shall be deemed to be a proper Person
to be sent to an Asylum within the Meaning of Section Sixty-seven of
the Lunacy Act, Chapter Ninety-seven ; and in the event of any Person 20
being detained in a Workhouse in contravention of this Section, the
Medical Officer shall for all the Purposes of the Lunacy Act, Chapter
Ninety-seven, be deemed to have Knowledge that a Pauper resident
within his District is a Lunatic, and a proper Person to be sent to an
Asylum, and it shall be his Duty to act accordingly, and further to 25
sign such Certificate as is contained in Schedule F. to the said Act,
No. 3, with a view to more certainly securing the Reception into an
Asylum of such Pauper Lunatic as aforesaid.

Amendment
of Form of
List as re-
spect Pauper
Lunatics
in Work-
houses.

19. The List of Lunatic Paupers required by Section Sixty-six of
the Lunacy Act, Chapter Ninety-seven, to be made out by the Medical 30
Officer, shall be in the Form in the Schedule marked B. hereto, and
not in the Form required by the said Section, and shall, as respects
such of the Lunatics therein mentioned as may be in any Workhouse,
state whether, in the Opinion of the Medical Officer, the Workhouse
is or not sufficient for the Accommodation of the Lunatics detained 35
therein, and whether or not the Lunatics detained therein are proper
Persons to be kept in a Workhouse.

Order for
Reception
and Medical
Visitation
of Persons

20. When a Person has been found lunatic by Inquisition an
Order, signed by the Committee appointed by the Lord Chancellor,
and having annexed thereto an Office Copy of the Order appointing 40
such Committee, shall be a sufficient Authority for the Reception of
such

such Person into any Asylum, Hospital, Licensed House, or other House, without any further Order or any such Medical Certificates as are required by Section Ninety of the Lunacy Act, Chapter One hundred, and Section Four and Eight of the Lunacy Act, Chapter Ninety-six, and the Provisions of the Section Ninety of the Lunacy Act, Chapter One hundred, as to the Visitation of every single Patient once in every *Two Weeks* by a Physician, Surgeon, or Apothecary, shall not apply to any Person found lunatic by Inquisition as aforesaid.

10 **21.** No Order for the Reception of a Private Patient into any Asylum or Registered Hospital, licensed or other House, made in pursuance of the Lunacy Acts, Chapters Ninety-six and Ninety-seven, or either of them, shall be of any Validity, unless the Person subscribing such Order has himself seen the Patient within
15 *One Month* of the Date of his Subscription, nor unless a Statement of the Time when such Person last saw the Patient is added to such Order.

Persons signing Orders for Admission to have seen Patient within One Month.

22. The following Persons shall be prohibited from signing any Certificate or Order for the Reception of any Patient into an unlicensed
20 or other House:
First, Any Person receiving any Per-centage on or otherwise interested in the Payments to be made by or on account of any Patient received into a licensed or other House:
Second, Any Medical Attendant as defined by the Lunacy Act,
25 Chapter One hundred.

Certain Persons prohibited from signing Orders for Admission.

23. Where an Order is made, in pursuance of the Lunacy Act, Chapter Ninety-seven, for the Reception of any Pauper Lunatic into any Asylum, Registered Hospital, or Licensed House, there shall be inserted in every such Order, wherever it be possible, the Name of
30 One or more of the Relations of the Lunatic; and in the event of his Death it shall be the Duty of the Clerk of such Asylum, the Superintendent of such Hospital, and the Proprietor or Superintendent of such Licensed House, to send by Post Notice of his Death in a prepaid Letter addressed to such Relation or One of such
35 Relations.

Relative of Pauper to be named in Order of Admission.

24. The Order and Certificates required by Law for the Detention of a Patient as a Pauper shall extend to authorize his Detention, although it may afterwards appear that he is entitled to be classified as a Private Patient; and the Order and Certificates required by Law
40 for the Detention of a Patient as a Private Patient shall authorize his
[163.] B Detention,

Same Order and Certificates to justify Detention as Pauper of Private Patient.

Detention, although it may afterwards appear that he ought to be classified as a Pauper Patient.

Provision as
to defective
Certificates.

25. Where the Medical Certificates upon which a Patient has been received into any Asylum, Registered Hospital, licensed or other House, or either of such Certificates, is deemed by the Commis- 5 sioners incorrect or defective, and the same are or is not duly amended to their Satisfaction within *Fourteen* Days after the Reception by the Superintendent or Proprietor of such Asylum, Registered Hospital, or licensed or other House, of a Direction or Writing from the Commis- 10 sioners, requiring Amendment of the same, the Commissioners or any Two of them may, if they see fit, make an Order for the Patient's Discharge.

Transmis-
sion of Docu-
ments to
Commission-
ers on
Admission
of Patient.

26. The Documents required by the Lunacy Act, Chapter One hundred, Sections Fifty-two and Ninety, and the Lunacy Act, Chapter Ninety-seven, Section Eighty-nine, to be sent to the Commis- 15 sioners in Lunacy, after Two clear Days, and before the Expiration of Seven clear Days from the Day on which any Patient has been received into any Licensed House, Registered Hospital, or Asylum, shall, with the Exception of the Statement now required to be subjoined to the Notice of Admission into any Hospital or Licensed House, be trans- 20 mitted to the said Commissioners within *One clear Day* from the Day on which any Patient has been received into any such House, Hospital, or Asylum as aforesaid, and the said Sections shall, so far as relates to the said Documents, other than the said Statement, be construed as if the Words "*One clear Day*" were substituted 25 therein for the Words "after Two clear Days, and before the Expiration of Seven clear Days;" nevertheless the said excepted Statement shall be transmitted as heretofore, save that it shall be separate from the said Notice, and shall refer to the Order of Admission by the Date thereof, instead of referring to it as the above Notice, and 30 the Words referring to the said Statement as being subjoined shall be omitted in the said Notice.

Visits by
Commis-
sioners.

27. Every Licensed House and Hospital may be visited at any Time by any One or more of the Commissioners in addition to the Visits now required to be made by Two at least of the Commis- 35 sioners.

Every Commissioner visiting alone shall have the same Powers as Two Commissioners would have under Section Sixty-one of the Lunacy Act, Chapter One hundred, and all the Provisions of the said Act contained in Sections Sixty-three, Sixty-four, Sixty-five, Sixty- 40 six, Sixty-seven, and Sixty-nine shall apply to a Commissioner visiting

visiting alone, in the same Manner as they would apply under the said Act to Two or more Commissioners visiting together.

28. Any One or more of the Commissioners may, at any Time, visit every Asylum for Lunatics, and every Gaol in which there may be, or alleged to be, any Lunatic, in addition to the Visits now required or empowered to be made by Two at least of the Commissioners, and every Commissioner so visiting alone shall perform the same Duties and have the same Powers as Two or more Commissioners would perform and have in pursuance of the One hundred and tenth Section of the Lunacy Act, Chapter One hundred.

Single Commissioner to visit Asylums and Gaols.

29. Where upon the Visitation of any Workhouse by any Two or more of the Commissioners in Lunacy it appears to them that any Lunatic or alleged Lunatic therein is a proper Person to be sent to an Asylum, they may by an Order under their Hands direct such Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven.

Power to remove Lunatic from Workhouse to Asylum.

30. Any Two or more of the Commissioners in Lunacy may visit any Pauper Lunatic or alleged Lunatic not in an Asylum, Hospital, Licensed House, or Workhouse, and may, if they think fit so to do, by an Order under their Hands, direct such Lunatic or alleged Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven.

Removal of single Pauper Patients to Asylums.

31. The Order made by any Two or more of the Commissioners in Lunacy, in pursuance of this Act, may authorize the Admission of a Lunatic, not only into any Asylum of the County or Borough in which the Parish or Place from which the Lunatic is sent is situate, but also into any other Asylum for the Reception of Pauper Lunatics of such County or Borough, and also into any Asylum for any other County or Borough, or any Hospital registered or House licensed for the Reception of Lunatics under the same Circumstances under which an Order of the Justice or Justices may authorize such Admission in pursuance of Section Seventy-two of the Lunacy Act, Chapter Ninety-seven.

Effect of Order for Removal.

Amendment
of Section
64 of Lunacy
Act, c. 100.

32. The Inquiries authorized to be made under Section Sixty-four of the Lunacy Act, Chapter One hundred, or under Section Ninety-two of the same Act, and the Provisions amending the same, may include Inquiries as to the Monies paid to the Superintendent or Proprietor on account of any Lunatic under the Care of such Superintendent or Proprietor.

Copies of
Entries of
Commissioners and
Visitors.

33. The Proprietor of every Licensed House within the Jurisdiction of Visitors appointed by Justices shall, within *Three Days* after a Visit by the visiting Commissioners or Commissioner, transmit a true and perfect Copy of the Entries made by them or him in the Visitors Book, the Patients Book, and the Medical Visitation Book, respectively, distinguishing the Entries in the several Books, to the Clerk of the Visitors as well as to the Commissioners, and the Copies so transmitted to the Clerk of the Visitors of all such Entries relating to any such Licensed House, and made since the Grant or last Renewal of the Licence thereof, shall be laid before the Justices on taking into consideration the Renewal of the Licence to the House to which such Entries relate; and every such Proprietor as aforesaid who shall omit to transmit as herein-before mentioned a true and perfect Copy of every or any such Entry as aforesaid shall for every such Omission forfeit a Sum not exceeding *Ten Pounds*.

Guardians
to visit
Lunatics in
Workhouses.

34. The Guardians of every Union, and of every Parish under a Board of Guardians, and the Overseers of every Parish not in a Union nor under a Board of Guardians, shall visit once at the least in each *Quarter of a Year* all Workhouses within their Jurisdiction in which there are or are alleged to be any Lunatics, and shall inquire as to the Dietary, Accommodation, and Treatment of the Lunatics in such Workhouses, and shall enter in a Book to be provided and kept by the Master of the Workhouse such Observations as they may think fit to make respecting the Condition and Treatment of such Lunatics, and the Book containing the Observations made in pursuance of this Section by the Visiting Guardians or Overseers shall be laid by the Master before the Commissioner or Commissioners on his or their next Visit.

Miscellaneous Clauses.

Patients may
be permitted
to be absent
on Trial from
Hospitals
and Private
Houses.

35. Section Eighty-six of the Lunacy Act, Chapter One hundred, shall extend to authorize the Proprietor or Superintendent of any Licensed House or Hospital, with such Consent, and to be given on such Approval as thereby required, to permit any Patient to be absent from such Hospital or House upon Trial for such Period as may be thought fit;

Two of the Commissioners, as regards any Hospital or any Licensed House within their immediate Jurisdiction, and Two of the Visitors of any Licensed House, as regards any Licensed House within the Jurisdiction of Visitors, may of their own Authority permit any Pauper Patient therein to be absent from such Hospital or House upon Trial for such Period as they may think fit, and may make or order to be made an Allowance to such Pauper not exceeding what would be the Charge for him in such Hospital or House, which Allowance shall be charged for him and be payable as if he were actually in such Hospital or House, but shall be paid over to him, or for his Benefit, as the said Commissioners or Visitors may direct :

In case any Person so allowed to be absent on Trial for any Period do not return at the Expiration thereof, and a Medical Certificate as to his State of Mind certifying that his Detention as a Lunatic is no longer necessary be not sent to the Commissioners, or, in the Case of a House licensed by Justices, to the Visitors, he may at any Time within *Fourteen* Days after the Expiration of the same Period be retaken as in the Case of an Escape.

36. If any Officer or Servant in any Hospital or Licensed House through wilful Neglect or Connivance permits any Patient to escape from such Hospital or Licensed House, or secretes or abets or connives at the Escape of any Patient from such Hospital or Licensed House, he shall for every such Offence incur a Penalty not exceeding *Twenty Pounds*.

Penalty on Officer conniving at the Escape of Lunatics.

37. Every Letter written by a Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to the Commissioners in Lunacy, or in the Case of Houses within the Jurisdiction of Visitors to the Visitors or any of them, shall, unless special Regulations to the contrary have been given by such Commissioners or Visitors, be forwarded unopened.

Correspondence of Private Patients.

Every Letter written by a Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to any Person other than the Commissioners or Visitors or One of them, shall be forwarded unopened to the Person to whom it is addressed, unless the Superintendent in the Case of an Asylum or Hospital, the Proprietor in the Case of a Licensed House, and the Person having the Charge of a single Patient in the Case of a single Patient, prohibit the forwarding of such Letter, by Endorsement to that Effect under his Hand on the Letter, in which Case he shall lay all Letters so endorsed before the Visiting Commissioners or Visitors, as the Case may be, on their next Visit.

Any Superintendent, Proprietor, or Person in charge of a single Patient failing to comply with the Provisions of this Section as to laying any Letter before the Commissioners or Visitors that is not forwarded to the Address of the Person to whom it is directed, or being privy to the Detention by any other Person of any Letter 5 detained in contravention of this Section, shall incur a Penalty not exceeding *Twenty Pounds* in respect of each Offence ; and any Person detaining any Letter in contravention of this Section shall incur, in respect of each Letter so detained, a Penalty not exceeding *Twenty Pounds.* 10

Statement as
to Condition
of single
Patients.

38. Every Person having the Care or Charge of a single Patient shall in addition to the Notice required to be given by the Ninetieth Section of the Lunacy Act, Chapter One hundred, before the Expiration of *Seven* clear Days from the Day on which he has taken the Patient under his Care or Charge, transmit to the Commissioners a 15 Statement of the Condition of the Patient, according to the Form in Schedule F. annexed to the said last-mentioned Act, such Statement to be signed by the Physician, Surgeon, or Apothecary visiting the Patient in pursuance of the Ninetieth Section of the Lunacy Act, Chapter One hundred. 20

If any Person having the Care or Charge of a single Patient fails to transmit such Statement as aforesaid within such Time as is required by this Section, he shall be guilty of a Misdemeanor.

Commis-
sioners
empowered
to prescribe
Forms, &c.,
of Medical
Visitation
Book.

39. In the Case of single Patients the Commissioners may from Time to Time make Regulations as to the Form of and the Part- 25 ticulars to be entered in the " Medical Visitation Book," required to be kept by the Ninetieth Section of the Lunacy Act, Chapter One hundred, and if the Person having the Care or Charge of a single Patient fails to comply with the Regulations so made, he shall in respect of each Offence incur a Penalty not exceeding *Five Pounds.* 30

Notice of
Recovery to
be given
forthwith.

40. The Superintendent of every Asylum or Registered Hospital, the Proprietor of every Licensed House, and every Person having the Care or Charge of any Single Patient, shall forthwith, upon the Recovery of any Patient in such Asylum, Hospital, or House, or of such Single Patient, transmit Notice of such Recovery 35 to the Commissioners ; and in case such Patient be not discharged or removed within *Fourteen* Days from the giving of such Notice shall, at the Expiration of that Time, give Notice of the Non-discharge or Non-removal to the Commissioners, and such last-mentioned Notice shall be in lieu of the Notice which in the like 40 Case is now required to be given to the Commissioners.

41. If

41. If there be no Person capable or qualified, under Section Seventy-two or Section Seventy-three of the said Lunacy Act, Chapter One hundred, to direct the Discharge or Removal of any such Patient as therein mentioned from any Registered Hospital or
 5 Licensed House, the Commissioners may order the Discharge or Removal of such Patient, as they may think fit.

Discharge of
a Private
Patient.

42. The Proprietor of every Asylum, and every Person having the Care or Charge of a Single Patient, shall, in the event of the Death of any Patient, transmit to the Coroner of the County or
 10 Borough the same Statement as is required by Law to be transmitted in the Case of the Death of any Patient in any Hospital or Licensed House, and if such Coroner, after receiving such Statement, thinks that any reasonable Suspicion attends the Cause and Circumstances of the Death of such Patient, he shall summon a Jury to
 15 inquire into the Circumstances of such Death.

Report to
Coroner of
Death of
single
Patient.

Any Superintendent or Person in charge who makes Default in complying with the Requisitions of this Section shall be guilty of a Misdemeanor.

43. Section Fourteen of the Act of the Session holden in the
 20 Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and five, shall be repealed, and in lieu thereof be it enacted: Where any Pauper Lunatic is not settled in the Parish by which or at the Instance of some Officer or Officiating Clergyman of which he is sent to an Asylum, Registered Hospital, or Licensed
 25 House, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, and such Lunatic is found in a Borough which has a separate Court of Sessions of the Peace, and is not liable, under the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, Section One
 30 hundred and seventeen, to the Payment of a Proportion of the Sums expended out of the County Rate, or is found in any Borough which under the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-two, is exempted from Liability to contribute to the Payment of the Expenses incurred
 35 for maintaining Pauper Lunatics chargeable to the County in which such Borough is situate, such Lunatic shall be adjudged to be chargeable to the Borough in which he is found; and it shall not be lawful for any Justices to adjudge such Lunatic to be chargeable to any County, nor to make any Order upon the Treasurer
 40 of any County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of such Lunatic.

Charge-
ability of
Pauper Lu-
natics whose
Settlements
cannot be
ascertained
where found
in certain
Boroughs.

All the Provisions in the Lunacy Act, Chapter Ninety-seven, as to the Mode of determining that a Pauper Lunatic is chargeable to a

County, and as to the Orders to be made for Payment of Expenses and other Monies in respect of such Lunatic, and for the Repayment thereof to the Treasurer of a County, shall extend to the Case of a Borough to which a Lunatic is made chargeable under this Section as if the said Provisions were re-enacted in this Act, 5 and such Borough were therein mentioned or referred to instead of a County.

Amendment
of 8 & 9 Vict.
c.100. s. 100.
as to Power
of adminis-
tering Oaths.

44. Any Two or more Commissioners or Visitors, in exercise of the Powers given to them by the One hundredth Section of the Lunacy Act, Chapter One hundred, may, if they think fit, examine on Oath any Person appearing before them as a Witness, notwithstanding a Summons may not have been served on him in pursuance of the said Section. 10

Definition of
Physician,
Surgeon, or
Apothecary.

45. The Term Physician, Surgeon, or Apothecary, wherever used in the Lunacy Acts, shall mean a Person registered under "The Medical Act," passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety. 15

16 & 17 Vict.
c. 97. s. 132.
repealed in
part.

46. So much of Section One hundred and thirty-two of the 20 Lunacy Act, Chapter Ninety-seven, as enacts that in that Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "County" shall mean a County of a City or County of a Town, shall be repealed, and all the Provisions of the said Act and of the Acts amending the same shall be read 25 and construed accordingly.

SCHEDULE A.

Form of Licence.

Know all Men, That we, the undersigned Justices of the Peace, acting in and for in General [*or Quarter or Special*] Sessions assembled, do hereby certify that *A.B.* of in the Parish of in the County of hath delivered to the Clerk of the Peace a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics, situate at in the County of and which has not been previously licensed for that Purpose, and hath applied to us for a Licence thereof: And whereas the Particulars of the said Application have been transmitted to the Commissioners in Lunacy, and their Report in reference to the said Application has been received, and has been taken into consideration by us; and we, having considered and approved the Application, do hereby authorize and empower the said *A.B.* (he intending *or* not intending to reside therein) to use and employ the said House and Premises for the Reception of Male [*or Female, or* Male and Female] Lunatics, of whom not more than shall be Private Patients, for the Space of Calendar Months from this Date.

Given under our Hand and Seals, this Day of in the Year of our Lord One thousand eight hundred and Witness, *Y.Z., Clerk of the Peace.*

Lunatics Law Amendment Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Interpretation of certain Terms in this Act; Sect. 1.

Construction of Act; 2.

Short Title of Act; 3.

Establishment of, County Asylums.

16 & 17 Vict. c. 97. s. 31. Plans, &c. of Visitors, when not approved by the Quarter Sessions, to be submitted to Secretary of State; 4.

Estimates to accompany the Plans which are submitted to Commissioners under 16 & 17 Vict. c. 97. s. 45.;—5.

CLAUSE A.—Excess of Payment may be paid to a Building and Repair Fund; 6.

CLAUSE B.—Provision as to Contract for Reception of Lunatics; 7.

CLAUSE C.—Provision for Care of chronic Lunatics; 8.

Burial of Lunatics in Asylum; 9.

Incorporation of Lands Clauses Act, 16 & 17 Vict. c. 97. s. 46.;—10.

Taking on Lease additional Lands for Use of Asylum; 11.

Superannuation of Officers in Asylum; 12.

CLAUSE D.—Provision for Superannuation of Matrons; 13.

Licensed Houses.

Inspection by Commissioners before Licence granted by Justices; 14.

Notice of Alterations to be given to the Commissioners; 15.

Provision as to non-resident Proprietors; 16.

Penalty on infringing Terms of Licence; 17.

Extension of Powers to take Boarders in licensed Houses; 18.

Admission of Patients.

Provision for sending Pauper Lunatics to Asylums; 19.

Lunatics proper to be sent to Asylums; 20.

Amendment of Form of List as respects Pauper Lunatics in Work-houses; 21.

Order for Reception and Medical Visitation of Persons found lunatic by Inquisition ; 22.

Persons signing Orders for Admission to have seen Patient within One Month ; 23.

Certain Persons prohibited from signing Orders for Admission ; 24.

Relative of Pauper to be named in Order of Admission ; 25.

Same Order and Certificates to justify Detention as Pauper or Private Patient ; 26.

Provision as to defective Certificates ; 27.

Transmission of Documents to Commissioners on Admission of Patient ; 28.

Visits by Commissioners ; 29.

Single Commissioner to visit Asylums and Gaols ; 30.

Power to remove Lunatic from Workhouse to Asylum ; 31.

Removal of single Pauper Patient to Asylums ; 32.

Effect of Order for Removal ; 33.

Amendment of Section 64 of Lunacy Act ; 34.

Copies of Entries of Commissioners and Visitors ; 35.

Visiting Committee to enter Observations in a Book respecting Dietary, Accommodation, &c. of Lunatics in Workhouses ; 36.

Miscellaneous Clauses.

Patients may be permitted to be absent on Trial from Hospitals and Private Houses ; 37.

Penalty on Officer conniving at the Escape of Lunatics ; 38.

Correspondence of Private Patients ; 39.

Statement as to Condition of single Patients ; 40.

Commissioners empowered to prescribe Forms, &c. of Medical Visitation Book ; 41.

Notice of Recovery to be given forthwith ; 42.

Discharge of a Private Patient ; 43.

Report to Coroner of Death of single Patient ; 44.

Chargeability of Pauper Lunatics whose Settlements cannot be ascertained where found in certain Boroughs ; 45.

Amendment of 8 & 9 Vict. c. 100. s. 100. as to Power of administering Oaths ; 46.

Definition of Physician, Surgeon, or Apothecary ; 47.

16 & 17 Vict. c. 97. s. 132. repealed in part ; 48.

SCHEDULES.

18 July 1862. 25 & 26 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Lunatics.

WHEREAS it is expedient to amend the Law relating to Preamble.
Lunatics, other than those found Lunatics by Inquisition,
or Lunatics convicted of Crime, or acquitted on the Ground
of Insanity: Be it enacted by the Queen's most Excellent Majesty,
5 by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, as follows; (that is to say,)

Preliminary.

1. In the Construction and for the Purposes of this Act (if not
10 inconsistent with the Context or Subject Matter), the following Terms
shall have the respective Meanings herein-after assigned to them; Interpretation of certain Terms in this Act.
that is to say,

15 "Lunacy Act, Chapter One hundred," shall mean an Act passed "Lunacy Act," c. 100.
in the Session holden in the Eighth and Ninth Years of 8 & 9 Vict.
the Reign of Her present Majesty, Chapter One hundred, and c. 100. (4th
intituled " An Act for the Regulation of the Care and Treat- Aug. 1845.)
" ment of Lunatics ;"

[Bill 216.]

A

"Lunacy

"Lunacy Act," c. 96.
16 & 17 Vict.
c. 96. (20th
Aug. 1853.)

"Lunacy Act, Chapter Ninety-six," shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-six, intituled "An Act to amend an Act passed in the Ninth Year
" of Her Majesty, for the Regulation of the Care and Treat- 5
" ment of Lunatics :"

"Lunacy Act," c. 97.
16 & 17 Vict.
c. 97. (20th
Aug. 1853.)

"Lunacy Act, Chapter Ninety-seven," shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, intituled "An Act to consolidate and amend the Laws for the 10
" Provision and Regulation of Lunatic Asylums for Counties
" and Boroughs, and for the Maintenance and Care of Pauper
" Lunatics in England :"

"The Lunacy Acts,"
"Asylum."
See 16 & 17
Vict. c. 97.
s. 132.

"The Lunacy Acts" shall include the Three Acts above-mentioned and this Act: 15

"Registered Hospital."

"Asylum" shall have the same Meaning as it has in the Lunacy Act, Chapter Ninety-seven :

"Registered Hospital" shall mean any Hospital registered for the Reception of Lunatics :

Construc-
tion of Act.

2. This Act shall be construed together with the Lunacy Acts, 20
and Words defined by the said Acts or any of them shall have the
same Meaning in this Act.

Short Title
of Act.

3. This Act may be cited for all Purposes as the "Lunacy Acts
Amendment Act, 1862."

Establishment of County Asylums.

25

Plans, &c.
of Visitors,
when not
approved by
the Quarter
Sessions, to
be submitted
to Secretary
of State.

4. Whereas by Section Thirty-one of the Lunacy Act, Chapter Ninety-seven, it is provided, "that the said Visitors shall from
" Time to Time make their Report to the General or Quarter
" Sessions of the County or Borough, Counties or Boroughs, for
" which they (or such of them as have not been elected by Sub- 30
" scribes, as therein mentioned,) have been elected, of the several
" Plans, Estimates, and Contracts which have been agreed upon, and
" of the Sum or Sums of Money necessary to be raised and levied
" for defraying the Purchase Monies and Expenses thereof on the
" County or Borough, or, in the Case of such Union as therein 35
" mentioned, on each or every of the Counties or Boroughs ; which
" Plans, Estimates, and Contracts shall be subject to the Approba-
" tion of the Court or Courts of General or Quarter Sessions of such
" County or Counties, and of the Justices of such Borough or
" Boroughs, before the same are completed or carried into execution " 40
(save in the Case therein mentioned) :

Where

Where a Plan, Estimate, or Contract reported, in pursuance of the said Enactment, to any Court of General or Quarter Sessions of a County or to the Justices of any Borough is not approved by such Court or Justices, the said Court or Justices shall, within Four Months after such Plan, Estimate, or Contract is reported to them, or where the same has been reported to them before the passing of this Act, then within One Month after the holding of the First Court of General or Quarter Sessions of the County or the First Meeting of the Justices of the Borough after the passing of this Act, set forth their Objections, with any Observations they may think fit in relation thereto, in a Report in Writing, and forthwith transmit the same to One of Her Majesty's Principal Secretaries of State, and the Secretary of State shall cause such Inquiries to be made in relation to the Matter as he may deem proper, and shall by Writing under his Hand direct the Plan, Estimate, or Contract in question, with or without any Alteration therein, or such other Plan, Estimate, or Contract for the like Purpose as he may think fit, to be proceeded with and carried into execution.

The Decision of the Secretary of State, given in pursuance of this Section, shall be final, and shall be acted upon without further Report or Approval.

5. Together with every Plan for building, or providing or enlarging or improving, any Asylum for Pauper Lunatics, which is to be submitted to the Commissioners in Lunacy, under Section Forty-five of the said Lunacy Act, Chapter Ninety-seven, an Estimate of the Cost and Expense of carrying such Plan into execution shall be also submitted to the said Commissioners.

Estimates to accompany Plans.

6. Where the Committee of Visitors enter into any Agreement for the Reception into the County Asylum of Pauper Lunatics belonging to a County or Borough which has not contributed to the erecting or providing such Asylum, and think fit under the Lunacy Act, Section Fifty-four, to fix a greater weekly Sum than is charged by them in respect of Lunatics sent from or settled in some Place, Parish, or Borough which has contributed to the building or providing such Asylum, they may, if they think fit, pay over the Excess created by the Payment of such greater weekly Sum to a Building and Repair Fund, to be applied by them to the altering, repairing, or improving such Asylum, and shall annually submit to the Quarter Sessions a detailed Statement of the Manner in which such Fund has been expended.

CLAUSE A.
Excess of Payment may be paid to a Building and Repair Fund.

CLAUSE B.

Provision as
to Contract
for Reception
of Lunatics.

7. Where any Contract has been made by a Committee of Visitors of any County or Borough under the Lunacy Act, Chapter Ninety-seven, Section Forty-two, for the Reception of the whole or a Portion of the Pauper Lunatics of such County or Borough, it shall be lawful for the Justices of such County or Borough, so long as such Contract 5 is subsisting, to defray out of the County or Borough Rate so much of the weekly Charge agreed upon for each Pauper Lunatic received therein as may, in the Opinion of such Committee of Visitors, represent the Sum due for the Use of such Asylum, not exceeding however One Fourth of the whole of such weekly Charge, in exoneration to that 10 Extent of the Union to which the Maintenance of any such Pauper Lunatic may be chargeable.

CLAUSE C.

Provision for
Care of
chronic Lu-
natics.

8. It shall be lawful for the Visitors of any Asylum and the Guardians of any Union within the District for which the Asylum has been provided, if they shall see fit, to make Arrangements, subject to 15 the Approval of the Lunatic Commissioners and the President of the Poor Law Board, for the Reception and Care of a limited Number of chronic Lunatics in the Workhouse of the Union, to be selected by the Superintendent of the Asylums, and certified by him to be fit and proper so to be removed. 20

Burial of
Lunatics in
Asylum.

9. The Committee of Visitors of any Asylum may provide Accommodation for the Burial of Pauper Lunatics dying in the Asylum, by acquiring a new Burial Ground, or by enlarging any existing Burial Ground. They may purchase for the Purposes afore- 25 said any Land, and may grant any Land when purchased, or any Land already belonging to them, to any Person or Body of Persons, to be held on trust for a new Burial Ground or as Part of an existing Burial Ground, or they may themselves hold such Land on trust as a new Burial Ground or as Part of an existing Burial Ground; they may also contribute any Sums of Money to any Person or Body of 30 Persons, on Condition of such Person or Body of Persons agreeing to provide Accommodation for the Burial of such Paupers as aforesaid in any Burial Ground; they may also take Steps for the Consecration of any new Burial Ground or enlarged Burial Ground, or any Part thereof; and in the Case of a new Burial Ground they may provide 35 for the Appointment of a Chaplain therein. They may enter into any Agreements necessary for carrying into effect the Powers conferred by this Section, but the Exercise of such Powers shall be subject to the Restrictions following:

Firstly, That not more than Two Statute Acres shall in the Case 40 of any One Asylum be purchased or granted as a new Burial Ground or for an Enlargement of an existing Burial Ground:
Secondly,

Secondly, That the Sanction of One of Her Majesty's Principal Secretaries of State shall be given to any Plan that may be proposed by any Visitors for carrying into effect this Section.

All Expenses incurred by any Visitors in providing Accommodation for the Burial of Pauper Lunatics, in pursuance of this Act, shall be deemed to be Monies, Costs, and Expenses payable for the Purposes of the Lunacy Act, Chapter Ninety-seven, and may be defrayed accordingly.

10 10. All the Provisions of "The Lands Clauses Act, 1845," except the Provisions of that Act "with respect to the Purchase
 "and taking of any Lands otherwise than by Agreement," "with
 "respect to the Recovery of Forfeitures, Penalties, and Costs,"
 "with respect to Lands acquired by the Promoters of the Under-
 "taking, under the Provisions of the Lands Clauses Consolidation
 15 "Act, 1845, or the Special Act, or any Act incorporated therewith,
 "but which shall not be required for the Purposes thereof," "and
 "with respect to the Provision to be made for affording Access to
 "the Special Act by all Parties interested," shall be incorporated
 20 with this Act; and for the Purposes of this Act the Expression "the
 Promoters of the Undertaking," wherever used in the said Lands
 Clauses Consolidation Act, shall mean any such Committee of
 Visitors as aforesaid.

Incorporation of Lands Clauses Act.

11. It shall be lawful for any Committee of Visitors to hire or
 take on Lease, from Year to Year or for any Term of Years, at such
 25 Rent, and upon such Terms, and under such Covenants as they think
 fit, any Land or Buildings, either for the Employment or Occupation
 of the Patients in the Asylum, or for the temporary Accommodation
 of any Pauper Lunatics for whom the Accommodation in the Asylum
 may be inadequate.
 30 The Restrictions in Section Thirty-three of the Lunacy Act, Chapter
 Ninety-seven, as to the Term for which the Committee of Visitors are
 thereby authorized to take a Lease, or to rent Land, shall not apply
 to Land or Buildings to be hired or taken under this Provision.

Taking on Lease additional Lands for Use of Asylum.

The Land and Buildings so to be hired or taken shall, while used
 35 for the Purposes of this Section, be deemed Part of the Asylum, and
 all existing Provisions as to the Asylum or Part of the Asylum shall
 be applicable thereto accordingly.

12. The Power vested in the Visitors of an Asylum of granting an
 Annuity by way of Superannuation to any Person that has been an
 40 Officer or Servant in such Asylum for not less than Twenty Years,
 under Section Fifty-seven of the Lunacy Act, Chapter Ninety-seven,
 may be exercised by them when any such Person has been an
 Officer or Servant for not less than Fifteen Years, in the same Manner

Superannuation of Officers in Asylum.

as if the Time of such Service had been Twenty Years ; and in calculating the Amount of Superannuation regard may be had, if the Visitors think fit, to the Value of the Lodgings, Rations, or other Allowances enjoyed by the Person superannuated : Provided, that no Annuity by way of Superannuation granted by the Visitors of any 5 Asylum under the Provisions of this Act, or of the Lunacy Act, Chapter Ninety-seven, shall be chargeable on or payable out of the Rates of any County until such Annuity shall have been confirmed by a Resolution of the Justices of such County in Quarter Sessions assembled. 10

CLAUSE D.
Provision for
Superannua-
tion of Ma-
trons.

13. Where the Offices of Superintendent and Matron of any Asylum are held by Man and Wife, and an Order has been made under the Lunacy Act, Chapter Ninety-seven, granting an Annuity by way of Superannuation to the Superintendent, it shall be lawful for the Committee of Visitors of such Asylum, if they think fit to do so, and if 15 the Matron has been an Officer in the Asylum for not less than Twenty Years, to grant to her such Annuity by way of Superannuation as they in their Discretion think proportionate to her Merits and Time of Service, although she may not have become incapable of executing her Office from Sickness, Age, or Infirmary ; and every Annuity granted 20 in pursuance of this Section shall be payable out of the Rates lawfully applicable to the building or repairing of such Asylum : Provided, firstly, that the annual Amount by way of Superannuation paid to any Matron under this Section shall not exceed Two Thirds of the Salary payable at the Time of her Retirement ; secondly, 25 that no such Superannuation shall be granted unless Notice of the Meeting at which the same is to be granted, and of the Intention to determine thereat the Question of such Superannuation, have been given in such Manner and so long before the Time appointed for such Meeting as is provided in the said Act with respect to Notices 30 of Meetings of Committees of Visitors, nor unless Three Visitors concur in and sign the Order granting the same ; thirdly, if any such Matron as aforesaid at any Time thereafter is appointed to any Public Office, or to any Office under the Lunacy Act, in respect of which she receives a Salary, the Payment of the Compensation 35 awarded to her under this Act shall be suspended so long as she receives such Salary, if the Amount thereof is greater than the Amount of Compensation, or, if not, shall be diminished by the Amount of such Salary.

Licensed Houses.

40

Inspection
by Commis-
sioners
before

14. Before the Grant by the Justices of a Licence for the Reception of Lunatics to a House which has not been previously licensed for that Purpose, the Notice given by the Applicant, and the Plan 40

Plan and Statements accompanying the same, or Copies of such Notice, Plan, and Statements respectively, shall be transmitted by the Clerk of the Peace of the County or Borough to the Commissioners, and the Commissioners shall inspect or cause to be inspected the
 5 House and Land or Appurtenances proposed to be included in the Licence, and shall ascertain, with reference as well to the Situation as to the Structure, Arrangements, and Condition of the Premises, whether the same are suitable for the Reception of the Patients proposed to be received therein, and the Commissioners shall
 10 transmit to the Clerk of the Peace for the County or Borough a Report in reference to such Application; and no Licence shall be granted by the Justices of the County or Borough, in pursuance of such Application, until the Report of the Commissioners with reference thereto has been received by the said Clerk of the Peace, and
 15 taken into consideration by the Justices in General or Quarter or Special Sessions assembled.

Licence
granted by
Justices.

Where a Licence is granted by the Justices of a County or Borough in respect of a House not previously licensed, such Licence shall, as nearly as conveniently may be, be according to the Form in
 20 the Schedule marked A. to this Act, instead of in the Form prescribed by the Lunacy Act, Chapter One hundred.

15. Before the Consent of any Visitors is given to any Addition or Alteration being made in or about any Licensed House, or the Appurtenances, the Notice of the proposed Addition or Alteration, and Plan
 25 thereof, and accompanying Description given to the Clerk of the Peace, or Copies thereof respectively, shall be transmitted by him to the Commissioners, who shall, after making or causing to be made such Inquiries or Inspection (if any) as they may deem proper, transmit to the said Clerk of the Peace a Report stating their Approval or
 30 Disapproval thereof; and the Visitors shall not consent to such Addition or Alteration until they have received and considered such Report.

Notice of
Alterations
to be given
to the Com-
missioners.

16. Whereas by the Second Section of the Lunacy Act, Chapter
 Ninety-six, it is enacted, "that no Person having, after the passing
 35 " of the Lunacy Act, Chapter One hundred, received for the First
 " Time a Licence for the Reception of Lunatics, or thereafter
 " receiving for the First Time such Licence, shall receive a Licence
 " unless he resides on the Premises licensed, and no Two or more
 " Persons having, after the passing of the last-mentioned Act, received
 40 " for the First Time a joint Licence for the Reception of Lunatics,
 " or thereafter receiving for the First Time such joint Licence, shall
 " receive such Licence unless they or One of them should reside on
 " the Premises licensed:." And whereas it is expedient that in the

Provision
as to non-
resident
Proprietors.
16 & 17 Vict.
c. 96. s. 2.

Licensed Houses to which the said Section does not apply, by reason of the Proprietor or Proprietors thereof having first received a Licence prior to the Date mentioned in the said Section, the following Provision shall be made : Be it enacted,

That in all Cases of Licensed Houses, where the Proprietor or 5 Proprietors thereof have first received their Licence or Licences before the Date of the passing of the Lunacy Act, Chapter One hundred, the Physician, Surgeon, or Apothecary required by Act of Parliament to reside in or visit such House shall be approved, in the Case of a House licensed by the Commissioners, by the Commis- 10 sioners, and in the Case of a House licensed by Justices, by the Justices ; and any Proprietor of a Licensed House to which this Section applies who permits any Physician, Surgeon, or Apothecary who has not been approved by the Commissioners, or by the Justices, as the Case may be, to reside in or visit at such House in such Capacity as 15 aforesaid, for a Period exceeding One Calendar Month, shall incur a Penalty not exceeding Five Pounds for every Day beyond such Month during which such Physician, Surgeon, or Apothecary so resides or visits ; the above-mentioned Period of One Month shall be reckoned in the Case of a Physician, Surgeon, or Apothecary so 20 resident or visiting at the Time of the passing of this Act, from the Date of the passing thereof, and in the Case of any fresh Appointment of any such Physician, Surgeon, or Apothecary as aforesaid from the Date of such Appointment.

Penalty on
infringing
Terms of
Licence.
8 & 9 Vict.
c. 100. ss. 24
30.

17. If any Person empowered by Licence issued under the Lunacy 25 Act, Chapter One hundred, to employ his House and Premises for the Reception of Lunatics receives into his House any Patients beyond the Number specified in his Licence, or fails to comply with the Regulations of his Licence in respect of the Sex of the Patients to be received, or the Class of Patients, whether private or not, to be received, 30 he shall, in respect of each Patient received in contravention of his Licence, incur a Penalty not exceeding Fifty Pounds.

Extension
of Powers
to take
Boarders in
Houses.
16 & 17 Vict
c. 96. ss. 4.
& 6.

18. It shall be lawful for the Proprietor or Superintendent of any Licensed House, with the previous Assent in Writing of Two or more of the Commissioners, or in the Case of a House licensed by 35 Justices of Two or more of the Visitors, to entertain and keep in such House as a Boarder for such Time as may be specified in the Assent any Person who may have been within Five Years immediately preceding the giving of such Assent a Patient in any Asylum, Hospital, or Licensed House, or under Care as a single Patient. 40

Admission and Visitation of Patients.

Provision
for sending
Pauper

19. Whereas by the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven, it is amongst other things enacted as follows,
“ That

“ That every Relieving Officer of any Parish within a Union of Lunatics to
 “ under a Board of Guardians, and every Overseer of a Parish of Asylums.
 “ which there is no Relieving Officer, who shall have Knowledge either 16 & 17 Vict.
 “ by such Notice or otherwise that any Pauper resident in such Parish c. 97. s. 67.
 5 “ is or is deemed to be a Lunatic and a proper Person sent to an
 “ Asylum, shall within Three Days after obtaining such Knowledge
 “ give Notice thereof to some Justice of the County or Borough
 “ within which such Parish is situate:” Now be it enacted, That the
 said Section shall be construed as if the Words “and a proper
 10 “ Person to be sent to an Asylum” had been omitted in the said
 recited Enactment.

20. No Person shall be detained in any Workhouse as a Lunatic Lunatics
 or alleged Lunatic beyond the Period of Fourteen Days, unless in the proper to be
 Opinion of the Medical Officer of the Union or Parish to which the sent to Asy-
 15 Workhouse belongs such Person is a proper Patient to be kept in a lums.
 Workhouse, nor unless the Accommodation in the Workhouse is suffi-
 cient for his Reception, and any Person detained in a Workhouse in
 contravention of this Section shall be deemed to be a proper Person
 to be sent to an Asylum within the Meaning of Section Sixty-seven of
 20 the Lunacy Act, Chapter Ninety-seven; and in the event of any Person
 being detained in a Workhouse in contravention of this Section, the
 Medical Officer shall for all the Purposes of the Lunacy Act, Chapter
 Ninety-seven, be deemed to have Knowledge that a Pauper resident
 within his District is a Lunatic, and a proper Person to be sent to an
 25 Asylum, and it shall be his Duty to act accordingly, and further to
 sign such Certificate as is contained in Schedule F. to the said Act,
 No. 3, with a view to more certainly securing the Reception into an
 Asylum of such Pauper Lunatic as aforesaid.

21. The List of Lunatic Paupers, required by Section Sixty-six of Amendment
 30 the Lunacy Act, Chapter Ninety-seven, to be made out by the Medical of Form of
 Officer, shall be in the Form in the Schedule marked B. hereto, and List as re-
 not in the Form required by the said Section, and shall, as respects spects Pau-
 such of the Lunatics therein mentioned as may be in any Workhouse, per Lunatics
 state whether, in the Opinion of the Medical Officer, the Workhouse in Work-
 35 is or not sufficient for the Accommodation of the Lunatics detained houses.
 therein, and whether or not the Lunatics detained therein are proper
 Persons to be kept in a Workhouse.

22. When a Person has been found lunatic by Inquisition an Order for
 Order, signed by the Committee appointed by the Lord Chancellor, Reception
 40 and having annexed thereto an Office Copy of the Order appointing and Medical
 such Committee, shall be a sufficient Authority for the Reception of Visitation
 such Person into any Asylum, Hospital, Licensed House, or other of Persons
 found
 lunatic by
 Inquisition.
 [216.] B House,

House, without any further Order or any such Medical Certificates as are required by Section Ninety of the Lunacy Act, Chapter One hundred, and Section Four and Eight of the Lunacy Act, Chapter Ninety-six, and the Provisions of the Section Ninety of the Lunacy Act, Chapter One hundred, as to the Visitation of every single Patient 5 once in every Two Weeks by a Physician, Surgeon, or Apothecary, shall not apply to any Person found lunatic by Inquisition as aforesaid.

Persons
signing
Orders for
Admission
to have seen
Patient
within One
Month.

23. No Order for the Reception of a Private Patient into any Asylum or Registered Hospital, licensed or other House, made in 10 pursuance of the Lunacy Acts, Chapters Ninety-six and Ninety-seven, or either of them, shall be of any Validity, unless the Person subscribing such Order has himself seen the Patient within One Month of the Date of his Subscription, nor unless a Statement of the Time and Place when such Person last saw the Patient is added 15 to such Order.

Certain
Persons
prohibited
from signing
Orders for
Admission.

24. The following Persons shall be prohibited from signing any Certificate or Order for the Reception of any Patient into an unlicensed or other House:

First, Any Person receiving any Per-centage on or otherwise 20 interested in the Payments to be made by or on account of any Patient received into a licensed or other House:

Second, Any Medical Attendant as defined by the Lunacy Act, Chapter One hundred.

Relative of
Pauper to be
named in
Order of
Admission.

25. Where an Order is made, in pursuance of the Lunacy Act, 25 Chapter Ninety-six, for the Reception of any Private or Pauper Lunatic into any Asylum, Registered Hospital, or Licensed House, there shall be inserted in every such Order, wherever it be possible, the Name of One or more of the Relations of the Lunatic; and in the event of his Death it shall be the Duty of the Clerk of such 30 Asylum, the Superintendent of such Hospital, and the Proprietor or Superintendent of such Licensed House, to send by Post Notice of his Death in a prepaid Letter addressed to such Relation or One of such Relations.

Same Order
and Certifi-
cates to jus-
tify Deten-
tion as
Pauper of
Private
Patient.

26. The Order and Certificates required by Law for the Detention 35 of a Patient as a Pauper shall extend to authorize his Detention, although it may afterwards appear that he is entitled to be classified as a Private Patient; and the Order and Certificates required by Law for the Detention of a Patient as a Private Patient shall authorize his Detention, although it may afterwards appear that he ought to be 40 classified as a Pauper Patient,

27. Where

27. Where the Medical Certificates upon which a Patient has been received into any Asylum, Registered Hospital, licensed or other House, or either of such Certificates, is deemed by the Commissioners incorrect or defective, and the same are or is not duly amended
 5 to their Satisfaction within Fourteen Days after the Reception by the Superintendent or Proprietor of such Asylum, Registered Hospital, or licensed or other House, of a Direction or Writing from the Commissioners, requiring Amendment of the same, the Commissioners or any Two of them may, if they see fit, make an Order for the Patient's
 10 Discharge.

Provision as to defective Certificates.

28. The Documents required by the Lunacy Act, Chapter One hundred, Sections Fifty-two and Ninety, and the Lunacy Act, Chapter Ninety-seven, Section Eighty-nine, to be sent to the Commissioners in Lunacy, after Two clear Days, and before the Expiration of
 15 Seven clear Days from the Day on which any Patient has been received into any Licensed House, Registered Hospital, or Asylum, shall, with the Exception of the Statement now required to be subjoined to the Notice of Admission into any Hospital or Licensed House, be transmitted to the said Commissioners within One clear Day from the
 20 Day on which any Patient has been received into any such House, Hospital, or Asylum as aforesaid, and the said Sections shall, so far as relates to the said Documents, other than the said Statement, be construed as if the Words "One clear Day" were substituted therein for the Words "after Two clear Days, and before the Expiration of Seven clear Days;" nevertheless the said excepted Statement shall be transmitted as heretofore, save that it shall be separate from the said Notice, and shall refer to the Order of Admission by the Date thereof, instead of referring to it as the above Notice, and the Words referring to the said Statement as being subjoined shall
 30 be omitted in the said Notice.

Transmission of Documents to Commissioners on Admission of Patient.

29. Every Licensed House and Hospital shall be visited Twice at least in every Year by any One or more of the Commissioners in addition to the Visits now required to be made by Two at least of the Commissioners.
 35 Every Commissioner visiting alone shall have the same Powers as Two Commissioners would have under Section Sixty-one of the Lunacy Act, Chapter One hundred, and all the Provisions of the said Act contained in Sections Sixty-three, Sixty-four, Sixty-five, Sixty-six, Sixty-seven, and Sixty-nine shall apply to a Commissioner visiting alone, in the same Manner as they would apply under the
 40 said Act to Two or more Commissioners visiting together.

Visits by Commissioners.

Single Com-
missioner to
visit
Asylums
and Gaols.

30. Any One or more of the Commissioners may,^s at any Time, visit every Asylum for Lunatics, and every Gaol in which there may be, or alleged to be, any Lunatic, in addition to the Visits now required or empowered to be made by Two at least of the Commissioners, and every Commissioner so visiting alone shall perform the same Duties and have the same Powers as Two or more Commissioners would perform and have in pursuance of the One hundred and tenth Section of the Lunacy Act, Chapter One hundred. 5

Power to
remove
Lunatic from
Workhouse
to Asylum.

31. Where upon the Visitation of any Workhouse by any Two or more of the Commissioners in Lunacy it appears to them that any Lunatic or alleged Lunatic therein is a proper Person to be sent to an Asylum, they may by an Order under their Hands direct such Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-six: Provided always, that it shall be lawful for the Guardians of the Union or Parish to which any Workhouse belongs to appeal against such Order at any Time within One Calendar Month from the making thereof to Her Majesty's Principal Secretary of State for the Home Department, who shall thereupon exercise the Power given to him by Section One hundred and thirteen of the Lunacy Act, Chapter One hundred, save that he shall not appoint thereunder the Commissioners who made the Order appealed against, or either of them; and the Order in the Matter of the Secretary of State, made upon the Report of the special Visitation, shall be binding on all Parties concerned. 15 20 25

Removal of
single
Pauper
Patients to
Asylums.

32. Any Two or more of the Commissioners in Lunacy may visit any Pauper Lunatic or alleged Lunatic not in an Asylum, Hospital, Licensed House, or Workhouse, and may, if they think fit so to do, call to their Assistance a Physician, Surgeon, or Apothecary, and examine such Pauper; and if such Physician, Surgeon, or Apothecary sign a Certificate with respect to such Pauper, according to the Form in Schedule F. No. 3, annexed to the Lunacy Act, Chapter Ninety-seven, and the Commissioners are satisfied that such Pauper is a Lunatic, and a proper Person to be taken Charge of and detained under Care and Treatment, they may by an Order under their Hands, direct such Lunatic or alleged Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception 30 35 40

Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven.

33. The Order made by any Two or more of the Commissioners in Lunacy, in pursuance of this Act, may authorize the Admission of a Lunatic, not only into any Asylum of the County or Borough in which the Parish or Place from which the Lunatic is sent is situate, but also into any other Asylum for the Reception of Pauper Lunatics of such County or Borough, and also into any Asylum for any other County or Borough, or any Hospital registered or House licensed for the Reception of Lunatics under the same Circumstances under which an Order of the Justice or Justices may authorize such Admission in pursuance of Section Seventy-two of the Lunacy Act, Chapter Ninety-seven.

Effect of
Order for
Removal.

34. The Inquiries authorized to be made under Section Sixty-four of the Lunacy Act, Chapter One hundred, or under Section Ninety-two of the same Act, and the Provisions amending the same, may include Inquiries as to the Monies paid to the Superintendent or Proprietor on account of any Lunatic under the Care of such Superintendent or Proprietor.

Amendment
of Section
64 of Lunacy
Act, c. 100.

35. The Proprietor of every Licensed House within the Jurisdiction of Visitors appointed by Justices shall, within Three Days after a Visit by the visiting Commissioners or Commissioner, transmit a true and perfect Copy of the Entries made by them or him in the Visitors Book, the Patients Book, and the Medical Visitation Book, respectively, distinguishing the Entries in the several Books, to the Clerk of the Visitors as well as to the Commissioners, and the Copies so transmitted to the Clerk of the Visitors of all such Entries relating to any such Licensed House, and made since the Grant or last Renewal of the Licence thereof, shall be laid before the Justices on taking into consideration the Renewal of the Licence to the House to which such Entries relate; and every such Proprietor as aforesaid who shall omit to transmit as herein-before mentioned a true and perfect Copy of every or any such Entry as aforesaid shall for every such Omission forfeit a Sum not exceeding Ten Pounds.

Copies of
Entries of
Commis-
sioners and
Visitors.

36. The Visiting Committee of every Union, and of every Parish under a Board of Guardians, and the Overseers of every Parish not in a Union nor under a Board of Guardians, shall once at the least in each Quarter of a Year enter in a Book to be provided and kept by the Master of the Workhouse such Observations as they may think fit to make respecting the Dietary, Accommodation, and Treatment of the Lunatics or alleged Lunatics for the Time being in the Work-

Visiting
Committee
to enter Ob-
servations in
a Book re-
specting
Dietary,
Accommoda-
tion, &c. of
Lunatics in
Workhouses.

house of their Union or Parish, and the Book containing the Observations made in pursuance of this Section by the Visiting Guardians or Overseers shall be laid by the Master before the Commissioner or Commissioners on his or their next Visit.

Miscellaneous Clauses.

5

Patients may be permitted to be absent on Trial from Hospitals and Private Houses.

37. Section Eighty-six of the Lunacy Act, Chapter One hundred, shall extend to authorize the Proprietor or Superintendent of any Licensed House or Hospital, with such Consent, and to be given on such Approval as thereby required, to permit any Patient to be absent from such Hospital or House upon Trial for such Period as may be 10 thought fit;

Two of the Commissioners, as regards any Hospital or any Licensed House within their immediate Jurisdiction, and Two of the Visitors of any Licensed House, as regards any Licensed House within the Jurisdiction of Visitors, may of their own Au- 15 thority permit any Pauper Patient therein to be absent from such Hospital or House upon Trial for such Period as they may think fit, and may make or order to be made an Allowance to such Pauper not exceeding what would be the Charge for him in such Hospital or House, which Allowance shall be charged for him and be payable as 20 if he were actually in such Hospital or House, but shall be paid over to him, or for his Benefit, as the said Commissioners or Visitors may direct :

In case any Person so allowed to be absent on Trial for any Period do not return at the Expiration thereof, and a Medical Certi- 25 ficate as to his State of Mind certifying that his Detention as a Lunatic is no longer necessary be not sent to the Commissioners, or, in the Case of a House licensed by Justices, to the Visitors, he may at any Time within Fourteen Days after the Expiration of the same Period be retaken as in the Case of an Escape. 30

Penalty on Officer conniving at the Escape of Lunatics.

38. If any Officer or Servant in any Hospital or Licensed House through wilful Neglect or Connivance permits any Patient to escape from such Hospital or Licensed House, or secretes or abets or connives at the Escape of any Patient from such Hospital or Licensed House, he shall for every such Offence incur a Penalty not ex- 35 ceeding Twenty Pounds.

Correspondence of Private Patients.

39. Every Letter written by a Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to the Commissioners in Lunacy, or in the Case of Houses within the Jurisdiction of Visitors to the Visitors or any of them, shall, unless special 40 Regulations to the contrary have been given by such Commissioners or Visitors, be forwarded unopened.

Every

Every Letter written by a Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to any Person other than the Commissioners or Visitors or One of them, shall be forwarded to the Person to whom it is addressed, unless the Superintendent in the Case of an Asylum or Hospital, the Proprietor in the Case of a Licensed House, and the Person having the Charge of a single Patient, in the Case of a single Patient, prohibit the forwarding of such Letter, by Endorsement to that Effect under his Hand on the Letter, in which Case he shall lay all Letters so endorsed before the Visiting Commissioners or Visitors, as the Case may be, on their next Visit.

Any Superintendent, Proprietor, or Person in charge of a single Patient failing to comply with the Provisions of this Section as to laying any Letter before the Commissioners or Visitors that is not forwarded to the Address of the Person to whom it is directed, or being privy to the Detention by any other Person of any Letter detained in contravention of this Section, shall incur a Penalty not exceeding Twenty Pounds in respect of each Offence; and any Person detaining any Letter in contravention of this Section shall incur, in respect of each Letter so detained, a Penalty not exceeding Twenty Pounds.

40. Every Person having the Care or Charge of a single Patient shall in addition to the Notice required to be given by the Ninetieth Section of the Lunacy Act, Chapter One hundred, before the Expiration of Seven clear Days from the Day on which he has taken the Patient under his Care or Charge, transmit to the Commissioners a Statement of the Condition of the Patient, according to the Form in Schedule F. annexed to the said last-mentioned Act, such Statement to be signed by the Physician, Surgeon, or Apothecary visiting the Patient in pursuance of the Ninetieth Section of the Lunacy Act, Chapter One hundred.

Statement as
to Condition
of single
Patients.

If any Person having the Care or Charge of a single Patient fails to transmit such Statement as aforesaid within such Time as is required by this Section, he shall be guilty of a Misdemeanor.

41. In the Case of single Patients the Commissioners may from Time to Time make Regulations as to the Form of and the Particulars to be entered in the "Medical Visitation Book," required to be kept by the Ninetieth Section of the Lunacy Act, Chapter One hundred; and if the Person having the Care or Charge of a single Patient fails to comply with the Regulations so made, he shall in respect of each Offence incur a Penalty not exceeding Five Pounds.

Commis-
sioners
empowered
to prescribe
Forms, &c.,
of Medical
Visitation
Book.

Notice of
Recovery to
be given
forthwith.

42. The Superintendent of every Asylum or Registered Hospital, the Proprietor of every Licensed House, and every Person having the Care or Charge of any Single Patient, shall forthwith, upon the Recovery of any Patient in such Asylum, Hospital, or House, or of such Single Patient, transmit Notice of such Recovery 5 to the Commissioners; and in case such Patient be not discharged or removed within Fourteen Days from the giving of such Notice shall, at the Expiration of that Time, give Notice of the Non-discharge or Non-removal to the Commissioners, and such last-mentioned Notice shall be in lieu of the Notice which in the like 10 Case is now required to be given to the Commissioners.

Discharge of
a Private
Patient.

43. If there be no Person capable or qualified, under Section Seventy-two or Section Seventy-three of the said Lunacy Act, Chapter One hundred, to direct the Discharge or Removal of any such Patient as therein mentioned from any Registered Hospital or 15 Licensed House, the Commissioners may order the Discharge or Removal of such Patient, as they may think fit.

Report to
Coroner of
Death of
single
Patient.

44. The Proprietor of every Asylum, and every Person having the Care or Charge of a Single Patient, shall, in the event of the Death of any Patient, transmit to the Coroner of the County or 20 Borough the same Statement as is required by Law to be transmitted in the Case of the Death of any Patient in any Hospital or Licensed House, and if such Coroner, after receiving such Statement, thinks that any reasonable Suspicion attends the Cause and Circumstances of the Death of such Patient, he shall summon a Jury to 25 inquire into the Circumstances of such Death.

Any Superintendent or Person in charge who makes Default in complying with the Requisitions of this Section shall be guilty of a Misdemeanor.

Charge-
ability of
Pauper Lu-
natics whose
Settlements
cannot be
ascertained
where found
in certain
Boroughs.

45. Section Fourteen of the Act of the Session holden in the 30 Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and five, shall be repealed, and in lieu thereof be it enacted: Where any Pauper Lunatic is not settled in the Parish by which or at the Instance of some Officer or Officiating Clergyman of which he is sent to an Asylum, Registered Hospital, or Licensed 35 House, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, and such Lunatic is found in a Borough which has a separate Court of Sessions of the Peace, and is not liable, under the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, Section One 40 hundred and seventeen, to the Payment of a Proportion of the Sums expended

expended out of the County Rate, or is found in any Borough which under the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-two, is exempted from Liability to contribute to the Payment of the Expenses incurred
 5 for maintaining Pauper Lunatics chargeable to the County in which such Borough is situate, such Lunatic shall be adjudged to be chargeable to the Borough in which he is found; and it shall not be lawful for any Justices to adjudge such Lunatic to be chargeable to any County, nor to make any Order upon the Treasurer
 10 of any County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of such Lunatic.

All the Provisions in the Lunacy Act, Chapter Ninety-seven, as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Orders to be made for Payment of Ex-
 15 penses and other Monies in respect of such Lunatic, and for the Repayment thereof to the Treasurer of a County, shall extend to the Case of a Borough to which a Lunatic is made chargeable under this Section as if the said Provisions were re-enacted in this Act, and such Borough were therein mentioned or referred to instead of
 20 a County.

46. Any Two or more Commissioners or Visitors, in exercise of the Powers given to them by the One hundredth Section of the Lunacy Act, Chapter One hundred, may, if they think fit, examine on Oath any Person appearing before them as a Witness, notwithstanding a
 25 Summons may not have been served on him in pursuance of the said Section.

Amendment of 8 & 9 Vict. c.100. s. 100. as to Power of administering Oaths.

47. The Term Physician, Surgeon, or Apothecary, wherever used in the Lunacy Acts, shall mean a Person registered under "The Medical Act," passed in the Session holden in the Twenty-first and Twenty-
 30 second Years of the Reign of Her present Majesty, Chapter Ninety.

Definition of Physician, Surgeon, or Apothecary.

48. So much of Section One hundred and thirty-two of the Lunacy Act, Chapter Ninety-seven, as enacts that in that Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "County" shall mean a County of a
 35 City or County of a Town, shall be repealed, and all the Provisions of the said Act and of the Acts amending the same shall be read and construed accordingly.

16 & 17 Vict. c. 97. s. 132. repealed in part.

SCHEDULE A.

Form of Licence.

Know all Men, That we, the undersigned Justices of the Peace, acting in and for _____ in General [*or Quarter or Special*] Sessions assembled, do hereby certify that *A.B.* of _____ in the Parish of _____ in the County of _____ hath delivered to the Clerk of the Peace a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics, situate at _____ in the County of _____ and which has not been previously licensed for that Purpose, and hath applied to us for a Licence thereof: And whereas the Particulars of the said Application have been transmitted to the Commissioners in Lunacy, and their Report in reference to the said Application has been received, and has been taken into consideration by us; and we, having considered and approved the Application, do hereby authorize and empower the said *A.B.* (he intending *or* not intending to reside therein) to use and employ the said House and Premises for the Reception of _____ Male [*or Female, or* _____ Male and _____ Female] Lunatics, of whom not more than _____ shall be Private Patients, for the Space of _____ Calendar Months from this Date.

Given under our Hand and Seals, this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

Witness, *Y.Z.*, *Clerk of the Peace.*

Lunatics Law Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Lunatics.

(Prepared and brought in by
Sir George Grey and Mr. Clive.)

Ordered, by The House of Commons, to be Printed,
18 July 1862.

[Bill 216.]

Under 3 oz.

LORDS AMENDMENTS

TO THE

LUNATICS LAW AMENDMENT BILL.

Note.—*The Page and Line refer to the Bill (220.) as printed by the Lords.*

Page 3.

- Line 1. Leave out ("reported") and insert ("agreed upon by
" any Committee of Visitors on behalf of a Union of
" Counties, or of a Union of Counties and Boroughs,
" is disapproved of by One or more but not all of
" the Courts of General or Quarter Sessions or
" other Bodies of Justices whose Approbation is
" required")
- Line 2. Leave out from ("Enactment") to ("shall") in
Line 5. and insert ("each Court of General or
" Quarter Sessions or Body of Justices disapproving
" of the same")
- Line 10. After ("Act") insert ("as the Case may be")
- Line 40. After ("to the") insert ("General or")

Page 4.

- Line 15. After ("any") insert ("Parish or").
- Line 19. After ("of the") insert ("Parish or")
- Line 20. Leave out ("Asylums") and insert ("Asylum")

Page 5.

- Line 1. After ("Sanction") insert ("of the Court of General
" or Quarter Sessions and")
- Line 24. After ("Visitors") insert ("with the Sanction of the
" Court of General or Quarter Sessions")

Page 6.

- Line 6. Leave out ("Special"), and after ("Act") insert ("or
" of the Lunacy Act, Chapter Ninety-seven")
- Line 9. After ("in") insert ("General or")

[Bill 251.]

. Page

Page 9.

Line 15. Leave out (" Patient ") and insert (" Person ")

Page 10.

Line 13. After (" Date ") insert (" nor ")

Line 18. After (" any ") insert (" private ")

Line 18. Leave out (" an unlicensed ") and insert (" any
" licensed ")

Page 13.

Line 16. After (" Circumstances ") insert (" and subject to the
" same Conditions ")

Page 14.

Line 16. After (" hundred ") insert (" and Section Seventeen of
" the Act Eighteenth and Nineteenth Victoria,
" Chapter One hundred and five ")

Line 37. Leave out from (" the ") to (" be ") in Line 38. and
insert (" Proprietor or Superintendent of such
" Licensed House or Hospital ")

Page 15.

Line 5. After (" a ") insert (" Private ")

Line 7. After (" Lunacy ") insert (" or Committee ")

Line 11. After (" a ") insert (" Private ")

Line 13. After (" Commissioners ") insert (" or Committee ")

Line 20. After (" Commissioners ") insert (" Committee ")

Line 24. After (" Commissioners ") insert (" or Committee ")

Page 16.

Line 17. Leave out (" Proprietor ") and insert (" Superinten-
" dent ")

Page 17.

Line 35. After (" shall ") insert (" except with respect to the
" City of London ")

LORDS AMENDMENTS

TO THE

LUNATICS LAW AMENDMENT
BILL.

*Ordered, by The House of Commons, to be Printed,
1 August 1862.*

[Bill 251.]

Under 1 oz.

